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*No man who hath tasted learning but will confess the many ways of
polluting by those who, not contented with stale receipts, are able to manure
and set forth new positions to the world: and, were they but as the dust
and cinners of our feet, so long as in that notion they may yet serve to polish
and brighten the armoury of truth, even for that respect they were not utter-
ly to be cast away.—MILTON.*

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No. CLXXI.

CONTENTS.

	PAGE.
ART. I.—THE MUSERAS IN CENTRAL AND UPPER INDIA	1
„ II.—SUGGESTIONS FOR A REFORMATION	54
„ III.—EDUCATIONAL REFORM IN BENGAL	67
„ IV.—HINDU CIVILISATION OF THE BRAHMANA PERIOD	77
„ V.—COMPARATIVE PENAL LAW.—III	101
„ VI.—TRIAL BY JURY IN BENGAL	131
„ VII.—CAMPAIGNS AGAINST INDIA	170
THE QUARTER	206
SUMMARY OF ANNUAL REPORTS:—	
1.—Registration Department in Bengal	212
2.—Stamp Department, Bengal	213
3.—Emigration from the port of Calcutta to British and Foreign Colonies	<i>ib.</i>
4.—Dispensaries, North-Western Provinces and Oudh, 1886	214
5.—Civil Justice, Punjab and its Dependencies	<i>ib.</i>
6.—Land-Revenue, Oudh, 1886	215
7.—Insane Asylums, Bengal, 1886	<i>ib.</i>
8.—Sea-borne Trade of India	<i>ib.</i>
9.—Sanitary Report, N. W.-P. and Oudh, 1886	216
10.—Railways in Bengal	<i>ib.</i>
11.—Crime in the Punjab	<i>ib.</i>
12.—Sanitary Report, Bengal	217
13.—Land Revenue, Bengal, 1886	218

CRITICAL NOTICES:—

1.—GENERAL LITERATURE.—

- 1.—Caste :—Its supposed Origin ; its History ; its Effects ; the Duty of Government, Hindus, and Christians with respect to it ; and its Prospects. Madras :—The Christian Vernacular Education Society. S. P. C. K. Press, Vepery.

I.—GENERAL LITERATURE.—(<i>Continued</i>).	PAGE.
2.—Records of the Geological Survey of India. Vol. XX, part 3, 1887	ii
3.—Travels and Voyages between Calcutta and Independent Tipperah. By Sambhu C. Mookerjee, formerly Minister to His Highness the late Nawab Faridoon Jah Bahadoor, &c, &c. Calcutta: <i>Reis and Rayyet</i> Office. 1887	ib
4.—Manual of the Geology of India. Part IV—Mineralogy. By F. R. Mallet, Superintendent, Geological Survey of India. Calcutta:	iv
5.—The National Review. September 1887. London: W. H. Allen & Co., 13, Waterloo Place, S.W.	v
6.—The Army and Navy Magazine. A Monthly Service Review. No 84. October, 1887. London: W. H. Allen & Co., Waterloo Place, 1887	vii
7.—Kings of Káshmira: being a translation of the Sanskrita work Rájtarangini of Kalana Pandita. By Jogesh Chunder Dutt. Vol. II. ^o Calcutta: I. C. Bose & Co, Stanhope Press, 1887	viii
8.—Fortune's Wheel: A Tale of Hindu Domestic Life. By K. Viresalingam, Pandit. Translated by J. Robert Hutchinson. London: Elliot Stock, 62, Paternoster Row, E. C. 1887.	xi
9.—The Army and Navy Magazine. A Monthly Service Review, No. 84. October, 1887. London: W. H. Allen & Co., 13, Waterloo Place, 1887.	xiii
10.—Christendom Astray: or popular Theology (both in faith and practice) shewn to be unscriptural; and the true nature of the ancient apostolic faith exhibited in eighteen Lectures. By Robert Roberts, Author of the Trial—"Did Christ rise from the dead?" &c., &c. Birmingham: R. Roberts. Athenæum Buildings, Edmund Street, 1884	ib.
11.—Note on Mr. Keene's Article (October 1887.)... ..	xviii
2.—VERNACULAR LITERATURE.—	
12.—Daru-Brahma. By Kailas Chandra Sinha. Calcutta, Victoria Press, 1293, B. S.	xxiv
13.—Sen-Rajgana, or a history of the last Hindu Kings of Bengal. By Kailas Chundra Sinha. Calcutta, Victoria Press, 1293 B. S.	xxvi
14.—Manasik Gauana. By Dina Nath Sen. Dacca, Adarsa Press, 1294, B. S.	ib.

THE CALCUTTA REVIEW.

No. 171.—JANUARY, 1888.

ART. I.—THE MUSERAS OF CENTRAL AND UPPER INDIA.

SCATTERED about in the eastern half of the great Gangetic plain may be seen the tiny fragments of the Mushera tribe; living in mud hovels in the corners of jungles, or in caves and sheltered nooks under the shade of trees; disowned by Hindus, and not permitted to dwell amongst them, except in the outskirts of some of their villages; dotted at wide intervals apart from each other, and always in very small groups or hamlets at a time, one group sometimes consisting of a single household, and seldom or never of more than four or five. The tract in which they are most numerous is that of South Behar, Benares, and Mirzapur; and this was their first habitat in the Indian plains. But the struggle for existence, and the growth of towns and villages in their midst, have forced them out in all directions to the west, east, and north. A few stragglers have even penetrated into Assam, where by the Census of 1881 they numbered some 4,000; and they are to be seen, here and there, in all the districts of Northern India between Assam and Rohilkund. In the province of Bengal, (which includes Behar), they numbered about half a million by the same Census, and in the North-West Provinces and Oudh about 34,000. The tribe, as the above figures imply, when we compare these with the immense extent of area over which it is spread, is very broken and discontinuous, and the accounts given of it in the published Gazetteers and Census reports are fragmentary in proportion. Very little has been written of their manners and industries, and nothing as to the legends and traditions still current amongst them: nor has anything better than conjecture yet been offered as to the origin of the

tribe and its relation to other tribes in the Indian continent.* The following essay is based upon observations and enquiries which the present writer has been making for some time past, and is now offered to the reader as an attempt to remove the uncertainty that has hitherto prevailed regarding the origin of this tribe, and to describe their industries, customs and superstitions, so far as his opportunities of observing them have enabled him to undertake the task.

The name given to the tribe in this essay has been spelt throughout as Mushéra, which is a slight departure from the spelling or spellings hitherto adopted in English books. The name has been supposed to be made up of two Hindi words signifying "rat-taker." Hence in Buchanan's *Eastern India*, they are described as a people "who have derived their name "from eating rats"† But rat catching, or rat eating, is by no means the peculiar or even a prominent characteristic of the tribe : and the name in Upper India at least is pronounced by the natives of the country as Mūshéra, and not as Mūsahar (rat-taker) or Mūsarhá (rat-killer). In an old folk-tale which has recently come to my knowledge, the name is made to signify flesh-seeker or hunter, (being derived from *māśū*, flesh, and *héra*, seeker) and a legend is told as to the event which led to the tribe being driven to maintain itself by hunting wild animals. This is a more comprehensive title than rat-catcher, besides resting on better authority. Probably, however, both derivations are fanciful,—Hindi versions of a name which is not of Hindi origin. It is certain that the more isolated members of the tribe, who still speak a language of

* Buchanan in *Eastern India*, vol. I, page 178, considers them to be allied to the Rajwárs and Bhungiyas, obscure tribes found in Behar and Chutia Nagpur. Colonel Dalton in his *Descriptive Ethnology of Bengal*, follows Buchanan in connecting them with Bhungiyas, whom however he spells as Bhuiyas, (p. 140.) A writer in the Bengal Census of 1872, page 166, identifies them with Thárus, on the ground that there is a Tharu sub-tribe or clan which calls itself Musahar. The same writer rejects Buchanan's and Colonel Dalton's conjecture on the ground that the habitat of the Bhuiyas is widely separated from that of Musahars, and that there is no evidence to support the connection. His own theory, however, will not stand. Names travel about in the most reckless way in the vast plains of India, where there are no mountain barriers to check their vagaries : and hence no reliance can be placed on the fact of a solitary Tharu clan calling itself Musahar. Moreover Musahars do not possess the Mongolian cast of face which is peculiar to Tharus and marks them off as a distinct race from Musahars.

† In the book named, the word is always spelt as Musahar, and this is the spelling usually followed by others. Sometimes, however, it has been spelt as Musarhá, which would mean a rat-killer. In Mr. Eustace Kitts' *Compendium of Castes and Tribes*, 1885, it is spelt as Mussahar. With such variety and uncertainty before me, I think I am justified in adopting a new name, which has more authority in its favour.

their own unconnected with Hindi, call themselves by a name which sounds like Mūshéra; and it is not likely that men who have preserved their original speech continuously for so many centuries, would have designated themselves by a name borrowed from a foreign language.

There are one or two other names by which the tribe is known besides Mushéra. In all the districts of Oudh in which the tribe is found, they are commonly, and in some places exclusively, known by the title of Banmánush, or man of the forest. The name "Banmánush" is of purely Hindi origin; and though intended to be a term of reproach applied by Hindus to a people from whom they stand aloof as impure and savage, it has been accepted by Mushéras themselves, many of whom scarcely know themselves by any other title, and all of whom are entirely ignorant of its origin and meaning*. Other names, less commonly known or used, are Deosiyá, derived from their great ancestor Deosi; Banráj, or king of the forest, a less contemptuous, or perhaps an ironical, form of the name Banmánush; and Maskhán, or eater of flesh, another form of the name Mashéra, or Mushéra. Sometimes, if a Mushéra is asked to which of the great Indian castes he belongs, he will tell you that he is an Ahir, or rather a sub-division of Ahir, the caste of cowherd; and he appears to be rather anxious to have his title to this honour recognized. But in point of fact he has no claim to any such lineage. Mushéras are the hereditary enemies of Ahirs, as all their legends testify: and many are the petty raids that they have made against them for the possession of cattle and forest. These enmities are now almost forgotten, and men of both tribes may now be seen attending the same festivals, and listening with impartial rapture to the narrative of legends in which the heroes on either side are alternately extolled or vilified.

The subjects to be dealt with in the present essay can be conveniently distributed under the four following headings:—

- (1) The origin of the Mushéra tribe and its relation to other tribes;
- (2) Its arts and industries; food, shelter, and clothing;
- (3) Its domestic customs, especially those in connection with births, marriages and burials;
- (4) Its religious beliefs and observances.

* I was so positively informed by some Museras that they were Banmánushes and nothing else, that I once came to the conclusion that Banmánush and Mushéra were two distinct tribes, or rather sub-tribes, of one larger tribe, and I have stated this in page 7 in my *Brief View of Castes*, 1885. But from repeated enquiries and observations since made, I find that this is wrong. The majority of Museras whom I have since seen, acknowledge both titles; and I find that their traditions and industries are identical.

I.

First, then, as to the origin and ethnic relations of the tribe. There is now no room for doubt that the Mushéras, of whom so many minute hamlets are seen scattered about over the vast plains of the north-eastern half of India, belong to the Kol or Kolarian stock. There is one legend which makes them a branch of the Kol tribe known as Chenrár, Chandér, or Chéru; and another which connects them with an ancient and almost forgotten people known as Savari or Siori, of whom, however, small communities still bearing this name have survived to this day. The two legends, though different, are not contradictory; for the Chérus and Savaris, if they were not originally the same, are certainly very nearly allied. The Mushéras may have been a cross between the two; or Savari may have been the ancient name for the Kol race in general, of which the Mushéras form a part. Before going further into this question, it will be necessary, for the sake of such readers as may not happen to be acquainted with the class terms of Indian ethnology, to state briefly, what is meant by the Kol or Kolarian stock.

Kol is the generic name given by English writers, but not always accepted by the Kols themselves, to all those tribes who inhabit the hill tracts extending from east to west along the middle of India, and who speak, or are known to have formerly spoken, the various dialects or forms of language which have been grouped under the name "Kolarian."* They are as a rule shorter in stature, darker, or at least more regularly dark in complexion, and rather more prominent in the lower jaw, than the natives of the plains, whom it is the fashion to call "Aryan," for no better reason than that they *now* speak some form or forms of the neo-Aryan or neo-Sanskrit dialects collectively known as Hindi.† The Kols having a language or languages of their own, not connected with Sanskrit, have *per contra* been set down as non-Aryan or aboriginal. They have frequently been classed as Mongolian or Turanian in contradistinction to Aryan; although their almost black

* There is another large group of tribes known as Dravidian whose northern territories are continuous with, and sometimes overlap, the Kolarian. The difference is, I believe, one of language rather than race, as is that between the so-called Aryan and non-Aryan. The Dravidian tribes spread southward; and the Kolarian northwards.

† The view here expressed as to the futility of using language as a test of race is, I am aware, against the generally received hypothesis of the "Aryan brother." But Colonel Dalton may be quoted on my side. who in his *Descriptive Ethnology of Bengal* has given expression to the belief, that the original language of B-har was Kolarian, which has since been swamped and swept out of existence by the ever widening wave of Brahmanism.

complexion, occasionally curly hair, and absence of high cheek bones, should have been enough to shew that they were in no way connected with the Mongolian race. The divergence of physical type between the average hillsman and the average plainsman of India is, in our own opinion, more due to difference of physical conditions than to difference of original breed; for it is found that Kols, who have lived for many centuries in the plains, acquire a taller stature, longer features, and fairer complexion than are possessed by their kinsmen in the hills. The Mushéras themselves exemplify this fact in a marked degree; for those who are still living in the hills of Central India, and have never left them, have retained the genuine Kol type of face and stature; while those who have been living for centuries in the Gangetic plains could not be easily, if at all, distinguished from the average Indian. It may yet turn out that the so-called Aryan and non-Aryan races of India are merely extreme variations of one common type, although there is no doubt a slight admixture of Caucasian or Aryan blood, among the higher caste Hindus through whom Sanskrit, or rather the neo-Sanskrit languages, have permeated the entire population of the North-India plains, and much of Central India also. The word Kol in Sanskrit means "pig,"—an apt term to express the contempt in which men converted to Brahmanism, and impressed with the supreme importance of ceremonial purity, have been wont to regard outsiders to whom such notions are unknown. But the designation Kol is almost certain to have been a corruption or adaptation of a genuine Kolarian word (Kur, Kol, or Kor) signifying "man," traces of which appear in the tribes still called Korwa, Kaurav, Kur, Kurkas, and Kurako, and in the territories west of the Sarguja hills, called Korea and Ram Kola.

Among the Kols or Pigs of India many stages of culture may be seen, reaching in some cases down almost to the borders of the lowest savagery. Some of the tribes, or rather some portions of the tribes, (for within the same tribe great variations exist.) are still root-diggers, hunters, cave-dwellers, dressed in bark fibre, or wearing leaf-aprons,—“creatures who might justly be regarded,” as Colonel Dalton remarks, “as the unimproved descendants of the manufacturers of the stone implements found in the Damodar coal-fields.”* Such tribes having isolated themselves for thousands of years in their native woods and fastnesses, have preserved their rude unwritten speech and many of their primitive customs to this day. Others, by passing through the phase of Buddhism,

* *Descriptive Ethnology of Bengal*, p. 124. As instances of men and women wearing leaf aprons, *vide* p. 155. The Juangs still hunt with the sling and stone.

or through contact with the people of the plains, have become more or less civilized after the Hindu pattern, and have lost or discarded their original tongue and creed.* Some families, especially among the tribe known as Khairwar, have risen to the status of Rajputs, with whom they have established the right of intermarriage and acquired a title to the high rank of Suraj Banshi, or Children of the Sun.† Yet Khairwar savages of a low type may still be seen in the Khairwar hills. The Kol tribes are thus a living illustration of the progress of mankind from primitive savagery up almost to the confines of modern culture.

The genuine or savage Kol is now to be seen only in the forest-clad hills of Central India, and here too, he is becoming more and more Hinduized or denationalized. But his habitat was not always limited to hills and forest solitudes. A vast body of local traditions, and the existence of many ancient monuments and temples, bear testimony to the fact that the Khairwars, Chéru, and Savaris or Sioris, were once masters of a large portion of the east Gangetic plain, Chéru and Savaris having been especially predominant in South Behar, Benares, and Mirzapur. The tract called Kol Asla in the Benares district may be quoted as an example of a locality still bearing the name of its former occupants. The great Asoka himself, the Constantine of Buddhism, in the third century, B. C., is said to have been a Chéru. Assuming now, (what rests upon the clearest testimony) that the Mushéras are a branch of the Chéru tribe, and are closely allied in blood to the Savari, it is very natural to suppose that they shared in the conquests of their kinsmen, and obtained many settlements in the plains where we still find them. This will account for the fact that Mushéras are still up to the present day most thickly scattered in the lands where the Chéru and Savaris once ruled, *vis.*, in the plains of South Behar, Mirzapur, and Benares.

What has been written hitherto about Mushéras in the official

* There is not only the unwritten testimony of tradition, but the written testimony of the Bhāgavat Puṇa (I, 3. 24) to the fact that the non-Hindu tribes of Magadha (Behar) were converted to Buddhism before they became Hindus.

† Chātrīs or Rajputs of the Chéru clan have maintained the title of Nagbanshi, or Children of the Serpent. But those of the Khairwār or Kharwār clan have dropped the serpent and become Surajbanshi, through intermarriage with the Surajbanshis of Rajputana: *Vide Dalton's Ethnology of Bengal*, p. 128.) The Khairwar savages to be seen in the Khairwar hills are mentioned in p. 160. The present Raja of Kuntit, in Mirzapur district, is a Gharwār Rajput or Chātri, and it is not unreasonable to suppose that the name Gharwar is a variant of Kharwār, considering that the Kuntit Raja is the head of the Gharwar Chātrīs, and Kuntit was the seat of the old Kharwār power.

Gazetteers and Census Reports has been drawn exclusively from what can be seen of them in the plains of India. Here, since they have lost their original tongue and many of their old customs, they have hitherto escaped identification with the stock to which they really belong. But it has now been ascertained beyond doubt, that the genuine Mushéra—the ancestor from whom the semi-Hinduized Mushéras of the plains have sprung—is still to be found in the forest-clad hills of Mirzapur and the contiguous ranges; and it is to these hills that tradition clearly points as the cradle of the race. Here he still speaks, his old language, and observes many of his primitive customs and superstitions. Here he is still known and recognized as a branch of the Kol tribe of Chéru. Here he is still a savage, living in nooks of the rocks, or in holes dug in the earth, and wearing aprons of bark fibre. In the Census of 1881, seven Mushéras were returned as being in the Central Provinces, which shews that the hill-savage of this name is to be seen occasionally in ranges lying farther back in the heart of the continent than the Mirzapur hills. His existence did not come to the notice of Colonel Dalton, who in his well-known work on the Ethnology of Bengal, has made no allusion to the hill tribe of Mushéra, though he has given a chapter or section to almost every other hill-tribe from the Bay of Bengal to the Sarguja hills. The Mushéra tribe, so far as I can learn, (and this must be the reason why its existence was not observed or discovered by the writer referred to), is not usually seen to the east of Sarguja.

The legend which traces the origin of Mushéras to the Kol tribe of Chéru runs thus:—

At the Fort of Pipri, situated in a corner where two lines of hills converge to the same point, and where two rivers meet, flowing thence by a single stream into the Ganges, lived a great Chéru warrior and king named Makará Durgá Rai. Not only did the princes of the neighbouring hill-forts regard him as their chief, but he took tribute from the peasantry of the plains lying between the fort of Pipri and the southern bank of Gangá or Ganges. At a distance of some 20 or 30 miles on the northern side of the river, in a fort named Gaurá, lived another great warrior named Lorik, who, being of the tribe or caste of Ahir or cowherd, possessed numerous herds of cattle. Between these two princes there had been a long standing friendship, though such friendship was not in keeping with the natural antipathy subsisting between two such tribes as Ahirs and Chérus, the former distinguished for rearing and even worshipping cows, and the latter for hunting and eating them. The bond of union was a man named Sánwar, who, with his twin brother Subchan, had been deserted by his mother immediately after their birth,

and whose fatherhood was unknown. Sánwar was reared by Lorik's mother as her own child, and Lorik, (born a few months later), had been taught to regard him, with all the love and respect which Indian custom accords to an elder brother. Subchan, the other orphan, was similarly reared by Birmi, the wife of Rání of Makará, the Chéru king; and thus Sánwar maintained a firm friendship and alliance with the Chéru, whom he rightly regarded as a kind of father to his own brother, and therefore indirectly to himself. But the friendship was broken by a series of circumstances which ended at last in the destruction of the heads of both houses. Lorik was of too adventurous a spirit to remain peacefully at Gaurá, his native city and fort. Soon after his marriage he deserted his wife and went on a distant expedition to Hardi, a city much farther east, taking with him, as his mistress, a woman as adventurous as himself, whose husband was still alive. Meanwhile Sánwar remained in charge of the numerous herds of cattle which constituted the joint property of the family, and which were kept in an outlying village and pasturage called Bohá where he usually lived himself. Lorik had now been absent from his native place for some twelve years, and no news had been heard of him. At this time the mother of the woman who had eloped with him presented herself before Makará, throwing a basketful of gold at his feet and imploring him to avenge the insult; she showed him how easy it would be to make a sudden descent on Bohá and catch Sánwar unawares, and how he could then cut off the head of Sánwar as a substitute for that of Lorik, and capture the deserted wife of Lorik in revenge for the capture of her own daughter. The Chéru king hesitated before committing himself to an act which would expose him to the undying enmity of a warrior like Lorik, who might still be alive, and who had hitherto proved himself invincible. But he yielded at last to the short-sighted solicitations of his wife Birmi, and to the temptation of catching Sánwar unawares at Bohá, and seizing the cows as booty. So after sacrificing five boys to his guardian goddess, he set out against Bohá, taking with him Déosi, the bravest and most warlike of his seven sons. But Sánwar, as it happened, had left Bohá for Gaurá immediately before Makará arrived there with his forces. So the watchmen and keepers of the cows were left defenceless, and were without a leader when Makará commenced his attack. These were soon defeated; and the cows were about to be seized and driven off to Pipri as booty, when the bulls turned round and making a joint attack against the enemy drove him back again to his own side of the river. After sacrificing seven more boys, and thus making more sure of the help of his goddess, Makará made a second attack on Bohá, and this

time he was successful. Sánwar, (who in the meantime had returned to Bohá), was killed in single combat with Makará, and his head was carried off to Pipri as a substitute for that of Lorik, and as a thank offering to the Chéru goddess. The cows which he had been accustomed to tend with so much care and veneration were beaten with clubs and driven off to Pipri, with all the other booty which could be found; and Gaurá, the city and stronghold of Lorik, the king of the Ahirs, fell under the dominion of Makará, the king of the Chérus. News of the disaster, however, was soon afterwards conveyed to Lorik, (still residing at Hardi), through a Banjára merchant, who happened to be travelling with his pack cattle in that direction. Stung with remorse at the desertion of his wife and kindred, and distressed at the news of the death of Sánwar, his elder brother, he determined to take vengeance on the Chérus, and led an expedition forthwith against Pipri, the stronghold of the Chéru king. But the fort was inaccessible by ordinary means; for it stood on a hillock of its own, surrounded by ravines and rivers on every side, except the north, where a deep moat connecting the two rivers had been dug. So resort was had to stratagem. A man, professing to be a deserter from Lorik's camp, entered Pipri, and offered to disclose the secrets of Lorik's plans and movements, if he were admitted into membership with the Chéru tribe. His terms were accepted. The mode or ceremony of induction consisted in his drinking wine from the same cup as that used by Makará and his sons. The time was opportune for carrying out such a ceremony; for this was the season of the Holi, when wine is procured in abundance and men are wont to indulge freely in the pleasures of the cup. After the first cup had been passed round and drunk, and when the stranger had thus gained the confidence of the Chérus, he secretly drugged the second cup with bhang (Indian hemp), little balls of which he had brought with him for that purpose. In the dead of night, while Makará and his sons and chief captains were lying stupified with the effects of wine and bhang, Lorik entered Pipri, and slaughtered not only Makará and his sons, but all the inhabitants. He left not even a dog or cat alive; levelled every house with the dust; and ploughed up the place with asses, to signify that it should remain evermore deserted.

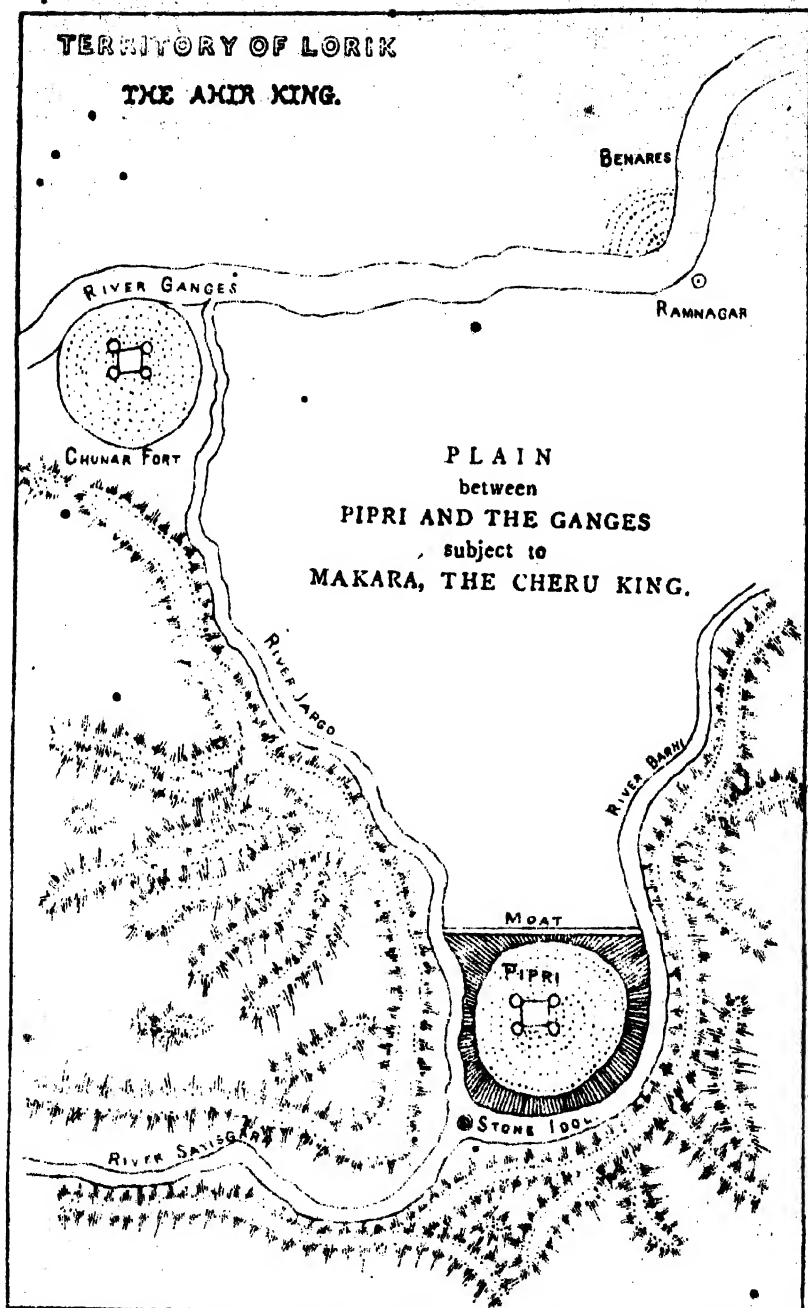
Now comes the sequel to the legend, which discloses the origin of the Mushéras. Of the seven sons of Makará, four were slain in Pipri with their father. Of the other three, two were absent, staying with certain relations who lived outside the fort. The remaining son, Deosi, was paying no visit and should have been in Pipri; but at the time of Lorik's attack he was in the forest, following his favourite pursuit of hunting

wild animals. On his way back to Pipri, he was met by an old man who told him of the destruction of the fort and the massacre of his father and brothers. He then went to each of the surviving brothers in turn, and told them all that had happened. Both received him sadly, and one coldly. Shyamjit, the eldest surviving brother, after having first given vent to his grief, maintained a sullen silence for some time, and only broke it at last by reproaching him for his absence from the fort while his father and brothers were slain, and forbidding him ever to come into his presence again. For his excessive love of hunting and neglect of filial duties, he banished him from the brotherhood, and told him that henceforth he should be called Mushéra, the flesh-seeker or hunter, and be driven to maintain himself in the forest. Deosi then sought counsel of his wife, who told him that he must obey the order of his elder brother. So he and his wife departed into the Sehura forest, where they became the founders of the Mushéra tribe; and Mushéras are sometimes known by the name of Deosiyá, or children of Deosi, to this day. To the end of his life he continued to attack Ahirs wherever he could find them, and carry off their cattle; and he bequeathed a solemn injunction to his posterity to do the same. Hence the traditional enmity between Mushéras and Ahirs; and hence the proverb still current among both tribes:—*Jab tak jiwé Deosiyá, Ahir na chajé gai*: “as long as a Deosiyá is alive, the Ahir will get no good out of his cows.” Deosi’s first act on entering the forest with his wife was to invent the instrument called *gahddá*; and this instrument has ever since been the badge of the tribe which owns him as ancestor. With this tool or weapon (for it combines the advantages of both) he slew Lorik one day, having accidentally met him unarmed, and thus the blood feud was stirred up afresh. Neither of Lorik’s sons was permitted by his mother to go out and face such a dangerous man: and Deosi was now re-entering Bohá, where Lorik’s cattle were stalled, and was about to capture the cows, as his father Makará had done before him. But Sanwarjit, the son of Sánwar, whom Makará had slain, went secretly to Bohá, and prayed to his Sati mother, on the very mound where she had burnt herself alive after her husband’s death. The prayer was heard, and Deosi was slain by an arrow from the bow of Sánwarjit. Such was the career and such the end of Deosi, the ancestor and founder of the Mushéras.

I have heard this legend, or portions of it, as far west as Allahabad; further to the east and south it is much better known. But it was only by piecing together scraps gathered here and there from different Mushéra hamlets, that a connected version of the entire legend could be formed;

TERRITORY OF LORIK

THE AKIR KING.



and even now I have omitted several supernatural episodes not essential to the main current of the story. The substance of the legend, (*viz.*, the wars between Ahirs and Chéru, and the detachment of a portion of the Chéru tribe from the main stock, under a leader of their own, named Deosi), bears the stamp of historical credibility; and would leave no doubt as to the descent of the Mushéras of the plains from the Kol tribe of Chenrâr or Chéru, even if no hill tribe of Mushéra were still living to bear witness to its own origin. The legend is too circumstantial, and too generally current, to have been the result of accident or of poetical invention: and as Deosi did not set out from the east, or die in the west, he cannot be attenuated into a solar myth. I have not met with any Mushéra in the southern districts of Oudh, who has not heard the name at least and something of the story of his far famed ancestor Deosi. But in the northern districts which are far removed from Pipri, the cradle of the race, the name of Deosi appears to be dying out, though I have met with it as far north as Fyzabad. In the districts lying farthest north, (Gonda, Ballraich, and Kheri), where Thâru traditions are strong, Mushéras are tacitly adopting them as their own; for in one place I was told by a Mushéra that his ancestor was King Dâng, an eponymous prince of a Thâru clan, and of quite a modern date. Similar changes are, perhaps, taking place in the northern districts of Behar and Bengal, and this may be the reason why a writer in the Bengal Census Report of 1872 gave expression to the opinion that Mushéras were actually Thârus.*

The allusions to the fort of Pipri, in the legend quoted, are well in keeping with the surroundings of the modern fort, which has since been built on the old site. The site is a small circular hill or plateau, standing by itself at the foot of the Mirzapur ranges. An extensive plain runs from its northern base, without any break, up to the Ganges. On the southern base, extending hundreds of miles southward, lie the hills of Central India; and spurs from these hills run out to some distance into the plain on the eastern and western sides of the fort. Pipri is thus admirably protected by natural hill barriers to the west, south, and east; and no place could have been better suited as a point of vantage, from which the Chéru cattle-lifters might make raids into the plain below, and exact grain or cows as tribute from the graziers and agriculturists residing there. Like all Indian forts, Pipri is surrounded by water,

* Bengal Census Report, 1872, page 164.

The river Barhi, (as the natives name it), flows from the east along its southern base, where it is met by another river named Satesgarh, which has its source in the west. From the point of confluence the two rivers flow northward, by a single stream called Jargo, into the Ganges. On the side where no river exists, a deep wide moat has been dug, which joins the two rivers at the nearest points, and completes the river-moat by which Pipri is surrounded. At the confluence of the two rivers, and in the very middle of the stream, there is an image, carved out of a natural monolith, of the goddess Behiyá to whom Makará sacrificed first 5, and afterwards 7 boys, and who was once the guardian goddess of Pipri. In her right hand she holds a dagger or sword, and in her left the half of a human skull for holding charcoal. All this is carved out of stone. A long red tongue projects from her mouth, smeared with the blood of human victims. According to the Mushéra legend, she was originally the guardian goddess of Sánwar, the elder brother of Lorik : but when Makará, the Chéru, had won her over to his own side by the sacrifice of so many boys, and when Sánwar had been slain, she left Gaurá the house and stronghold of the Ahirs, and took up her residence in Pipri, under the patronage of the Chéru. The legend further relates that when Pipri in its turn was captured by Lorik and ploughed up with asses, she fled out of the fort to escape the threatened indignity, and posted herself in mid stream in the confluence of the two rivers, where she still remains, nursing her wounded pride.* The natives living about Pipri now call her by the name of Nikundi. The stone image to be seen at this spot is probably one of the most faithful representations of the great death goddess of India that could be found any where in the country. From the sword, and the human skull filled with coals, and the blood red tongue projecting from her mouth, there can be no doubt that she is one of the numberless forms of Kali; and this proves what has been so often stated by conjecture, that the Hindu Kali, whom

* As a parallel instance to the flight of Behiyá from her own temple, we may cite the story of Bisheswar Nath Mahádeo at Benares, whose idol rushed down a well, leaving its own temple, when the temple was polluted by Aurangzeb, the Mahomedan persecutor. The idol still stands in the well, and camphor lamps are lighted down below to show it, while the worshippers throw offerings to it from the platform above. Another instance occurred, or is believed to have occurred, in Naini Tal at the time of the landslip a few years ago. The temple of the goddess Naini was completely buried under the shale which fell from the side of the hill. But the idol somehow or other escaped inhumation. It floated out on the lake, as the natives say, till the land had had time to settle, and then floated back to the spot, where the new temple now stands ; a new temple with the old idol.

Brahmans now worship with fear and trembling, was borrowed from the savage tribes, whom Brahmans still disown as the vilest of created beings.

Pipri is now uninhabited, and has been so ever since it was ploughed up with asses by Lorik, the Ahir. No Ahir or other Hindu will live in it. But to Mushéras it is as sacred as Gya to a Buddhist, or Mount Athos to a Greek. Every Mushéra (unless long separation by time and place has made him forget the place in which his ancestors were born, and from which they were banished) would see Pipri if he could before he dies, and would like to have his corpse thrown into the rivers by which the fort is surrounded. Meetings of the tribe are stealthily held here at midnight; and the imagination is left to guess at the orgies celebrated at such gatherings. Mushéras attempt even to live there. But the Ahirs of the neighbourhood combine together to expel them; and thus the old traditions are kept alive.

This traditional hostility between Mushéras and Ahirs, and the constant association of the two tribes in the same festivals in which these legends are narrated and listened to without animosity on either side, have by a curious reaction, to which many a parallel might be found both in history and legend, given rise to the supposition, more or less prevalent in both tribes, that Mushéras and Ahirs are one, or rather, that Mushéras are a sub-division of Ahirs. Nothing could be further from the fact. But the process which has led to such a belief is quite intelligible; and the belief has in some places taken shape in the following story, which came from a Mushéra headman domiciled in a jungle of Rai Bareli. Among the forefathers of Ahirs there were two brothers, *viz.*, Lorik and Deusi, who lived together in the same house with a common wife. By their joint wife they had seven sons, who were the founders of the seven sub-castes or sub-divisions of Ahirs, and whose names were Gwál, Bhurtiya, Dhindhori, Jhikia, Gondér, Ahir, and Banmánúsh.* The last, Banmánúsh, was expelled from the brotherhood by the other six because, while his brothers were keeping the great triennial festival of the buffalo sacrifice, he was absent in the forest following his favourite pursuit of hunting wild animals. The allusion to the buffalo sacrifice, in this strange perversion of the original legend,

* The reader may be cautioned against supposing from this list of names that the number of Ahir sub-castes is really limited to seven, and that the names here given are correct. Jhikia is really a sub-caste of Lodh, and the sub-castes of Ahirs greatly exceed seven. It is the fashion in Upper India for all the great castes to say that they are made up of seven sub-divisions.

corroborates the fact of the descent of Mushéras from the Kol or Kolarian stock, not less forcibly than does the allusion to Deosi: for it is only among the Kol tribes that the triennial buffalo sacrifice is performed, whereas to Ahirs the slaughter of a buffalo would be sacrilege. The Mushéras of the plains, amongst whom this version of the legend is current, have for several centuries past ceased to celebrate the buffalo sacrifice, and would now regard it with aversion. Notwithstanding this, the ancestral tradition has survived intact. The process by which Lorik, the Ahir, the inveterate foe of Deosi the Chéru, and finally his victim in single combat, has been transformed into his brother, might be compared with the fiction by which Frenchmen have transformed Charles the Great, the German who conquered them, into Charlemagne, the first of the French emperors.

There is one more version or perversion of the original legend which like the preceding corroborates the descent of Mushéras from the Kol tribe of Chéru, though by a different process. This tribe is called indifferently Chéru, Chenrar, Chandel, or Chander; and Chandel is a well-known clan of Chattris, the name given in Upper India to the great warrior and landlord caste.* By this story Mushéras are a rejected offshoot from Chattris, as by the previous one they are a rejected offshoot from Ahirs. Between Chandels and Ahirs, (as the story runs, and so far the story is correct), there was deadly and unceasing warfare. At last all the Chandels were slain, except a single woman, who escaped and fled into the forest. Being pregnant at the time of her flight, she afterwards gave birth to a son, whom, on account of the place of his birth, she called Banmánush, or man of the forest. This son became the founder of the tribe which has been named after him Banmánush or Mushéra. But as he could not prove his origin from the Chandel Chattris, neither he nor his descendants have been admitted into membership with the Chattri fraternity. They were sent out therefore to live in the forest, which is still their natural home.

Having described thus far the legend, together with its variations, which proves the descent of Mushéras from the Kol tribe of Chéru or Chandel, we must now turn to the other legend, (alluded to several pages back), which connects them with the tribe of Savari, another branch of the great Kol race,

* It is open to the reader to believe or not, as he may prefer, that the Chandel Chattri clan is simply a family of Kol Chéru or Chandels transformed into Chattris or Rajputs by conquests and matrimonial alliances. I myself believe that they are. Makara Durga Rai was, in all respects, a Raja of the Chattri type.

unless indeed "Savar" is an ancient name for the Kol race itself.

The value of the Chéru legend lies in the fact that it is entirely genuine, current only among the people whom it concerns; has never been tampered with by Brahmans, and is not recorded in any Purán or other kind of written book sacred to Hindus. The very name of Deosi, the Chéru founder of the tribe, is as strange to Hindu as it is to English ears; and, so far as I know, the present essay is the first occasion in which it has been written in any language or character, either English or Indian. The same degree of genuineness, however, does not attach to the Savari legend; for this has been imported with considerable embellishments into the Shiva Purána. Brahmans have always been fond of appropriating, and distorting for didactic purposes, the legends of the indigenous tribes; and it was (as I believe) by this process that many of the episodes, and even some of the main stories recorded in the Puráns, were constructed.*

I must repeat the Savari legend, then, in the form in which it has been told by Brahmans:

Arjun, one of the five heroes of the Mahabhárata, had retired temporarily into the forest to meditate on the 108 names of Shiva, the great god of the Hindus. In order to test the steadfastness of his devotion, and tempt him to break the current of his thoughts, (in which case they would have lost all value in the eyes of Shiva), the god caused a wild boar to run in front of him. But Arjun, notwithstanding his passion for hunting wild game, was proof against the temptation, and completed his devotions before he got up to seize his bow and arrow. The boar on being chased by Arjun led him on through the bushes till he reached a hermit's hut, where Shiva and his wife Párbati had already seated themselves in bodily form, in the disguise of a Savar and a Savari, (that is, a man and woman of the tribe so named), he holding a *gaháda* (the Mushéra instrument) in his hand, and she supporting a basket on her head. Arjun and the Savar both commenced pursuing the boar, and when the animal had been hunted down and killed, a contention arose as to who had the right claim to it. It was agreed that the matter should be decided next day by a wrestling match, a common mode of settling disputes between men of the warrior and hunting classes. Arjun wrestled with the disguised god all day till

* For example, the great series of Krishna legends, which form some of the main stories both of the Mahabharata and of the Bhágerat Purán, appears to be simply an adaptation and distortion of legends borrowed from the indigenous pastoral tribe of Jádu or Ját, in which Krishna, their tribal hero, was born.

sundown, when he pleaded that he must go and repeat his evening devotions ; to which his antagonist consented. Through the intensity of these devotions it dawned upon him that he had been wrestling, not with a Savar, but with the divine being himself disguised as a Savar, on whom he was now meditating. Returning to the hermit's hut, where the disguised Shiva still was, he threw himself at the feet of his divine antagonist, received a blessing, and returned to his four brethren. Now in the hermitage where these events took place, there was a maiden of unknown parentage, who used to wait on the hermit and prepare his food, and whom the hermit loved and cherished as a daughter. The maiden had just completed her period, and had gone, as the custom is, to bathe and purify herself in the waters of the adjoining river. On her return to the hermitage she found Shiva seated there in the disguise of a Savar, with Párbati by his side in the disguise of a Savari. The eye of the god fell on her. From the glance of that eye she became pregnant, and gave birth in due course to twins, one a male and the other a female, who bore an exact resemblance to the Savar and Savari whom she had seen in the hermitage. The hermit judging from the uncouth features and dark complexion of the babes that she had been guilty of in chastity with some wild man of the woods sent her out of his hermitage. From the two children whom she had borne, one a male and the other a female, sprang the Mushéra tribe, the men of whom are still noted for using the *gahdála*, and the women for carrying baskets.

There are only three elements in this story which bear the stamp of genuineness, *viz.*, the descent of the tribe from a female ancestor ; the *gahdála* carried by the Savar ; and his love of hunting wild boars,—a pursuit to which Mushéras or Savars of the present day are much addicted. The name Savar has evidently suggested " Shiva " to the Brahmanical mind, and so a story is invented, which gives an instructive picture of that deity as the god of procreative power, able even by a glance from his eye to make women pregnant. There is a class of spells or magical words known amongst Hindus as the Savar or Sabar *mantras*, used for exorcising evil spirits,—an art in which Mushéras, like all the other savage or semi-savage tribes in India and elsewhere, are said to excel. A knowledge of these *mantras* is much valued by Hindus. They are said to have come originally from the tribe of Savar and to owe their efficacy to the invention of Shiva,—that low caste indigenous divinity whom Brahmans have been forced to admit into their own pantheon, and who has dethroned their own creation, Brahma, from the popular creed of Hinduism.

The chief value of this Brahmanical story lies in the fact^{all}

that it bears written testimony, and this in a book of considerable antiquity, to the unwritten tradition still current among Mushéras themselves, as to their kinship with the tribe of Savar. That this tribe once held extensive sway in the Gangetic plain either with, or in succession to the Chéru, has been already stated. The name of Chéru is still well remembered in Behar: but "of the Savaris," (says the author of the Oudh Census Report in 1869), "the very name appears now to have perished." The statement, however, is not quite correct. In the popular traditions of Upper India the name of Savari may no longer exist; but it is still remembered by Mushéras, if by no one else. Of this I have had irrefragable proof. In two cases recently when I was consulting Mushéra prisoners, (one in the Sultanpur and another in the Partabgarh jail), as to the lineage or ancestry of their tribe, the answer immediately given me was "Savari." It is impossible to suppose that a couple of ignorant prisoners, lodged nearly 50 miles apart, neither of whom had ever seen or spoken to the other, could have hit upon such a name, had the remembrance of it not been a common tradition among the hamlets in which they were born. In a Mushéra hamlet, which lay in a dhák jungle some 10 miles from Fyzabad, I was told by the headman that he and his tribe were of the lineage of Savari.

Another interesting fact in connection with this legend is the alleged descent of the tribe from a female ancestor, a fact which points to the time, (common to all mankind at a very early stage in the history of our race), when regular marriages did not exist, and when relationship could be only traced through the mother. Even after regular marriage had begun to come into fashion, women frequently changed husbands, and hence no child could know for certain who his father might be. But as the same uncertainty or ignorance could not exist regarding the mother, relationship on the mother's side preceded everywhere that on the father's. It is worthy of note that the feminine form of the name "Savari," and not the masculine form "Savar," is the one by which the tribe has been universally known from the beginning up till now. There is still a tribe called Savari or Siori, of whom 2,099 were recorded in the Census of 1881 of the North-West Provinces and Oudh; and here the feminine form of the name is still as conspicuous as ever. This tendency on the part of primitive men to trace their descent to a female, and not to a male, ancestor, is exemplified in the ancient classical world of Europe by the large number of cities or tribes which were named after women or goddesses. Among the eponyms of ancient Greece, (to take the case of one nation only,) we have Calymnis, Corcyra, Ægina, Thebe, Messene, Sparta, Athene,

and Mycene. The eponymous men, by whom it was afterwards attempted to supersede these eponymous women, are inventions of a later date ; nor did they ever come into general vogue, notwithstanding the preference ultimately given to male over female kinship. Thus Sparta is older than Spartus, and Mycene than Myceneus ; and both of these female names held their ground. If we seek for a parallel on the other side of the world, we may find one in the Roturua tribe in New Zealand, the members of which to this day are more proud of tracing their descent to their "great ancestress, Hine Moa," than to the man with whom she mated ; and another example may be seen in the reigning dynasty of Japan, who trace their descent from the great Sun-goddess, through seven generations of celestial gods, five of terrestrial ones, and 122 Mikados, down to the one who is now reigning. In India itself several more parallels could be furnished : as for example, the descent of the Kanjar tribe from Nathaiyá, the husbandless mother of their deified hero, Máná, and of the Aryas themselves from Aditi, the great mother of gods and men, *genetrix hominumque deumque*.*

Among Mushéras of the present day the female ancestor, Savari, is much less generally remembered than the male one, Deosi, or the eponymous Banmánush. Yet she is not wholly forgotten. In marriage ceremonies, in some places, a *dhoti* or piece of cloth is put aside in her honour, and sweetmeats are offered to her as to a goddess. Sometimes she is identified with Banaspati or Bansatti, the guardian goddess of the tribe, and believed by them to be the supreme power in the universe. Thus Mushéras when questioned as to their ancestors will sometimes say that they are of the Savari tribe or lineage, but that the tribe itself is descended from the great goddess mother, Bansatti.

It has been shewn, then, that there are two distinct legends or series of legends, one of which connects the Mushéra tribe with Cherus, and the other with Savaris or Sioris. In what relation, then, it will be asked do Savaris and Chérus stand to each other ? This is a question to which no certain answer can be given. There is a tradition in South Behar that that country was first conquered by Chérus, who in their turn were subdued and expelled by the Savaris. Some writers

* McLennan's *Primitive Marriage* ; Ed. 1876, p. 284. "At Home in Fiji," by Mrs. Gordon Cumming, vol. I, p. 238. Grey's *Polynesian Mythology* ; Ed. 1853, p. 235. The writer last named in p. 234 alludes to a form of baptism prevalent in New Zealand, which is performed on those children, "whose fathers are not known"—a curious indirect testimony to the once prevailing custom of promiscuity. For the origin of the Mikados, see Miss Arabella Bird's *Unbeaten Tracks in Japan*, vol. II, p. 354.

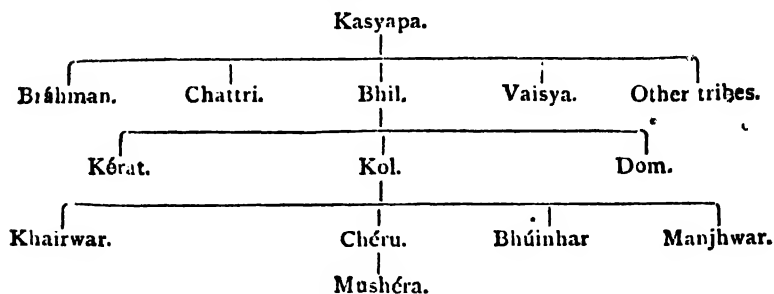
believe the two tribes to have been identical, notwithstanding this tradition.† If this were true, there would be no occasion to seek for a reconciliation of the two legends regarding the origin of the Mushéras; but the tradition of one tribe having conquered and expelled the other is against this view. It strikes me as not improbable that the name "Savar" is an ancient synonym for the Kol race generally, and on this hypothesis, too, the legends are at one. There are still certain tribes bearing a name like Savar dotted about in different parts of the Central Indian hills from Gwalior to Orissa. Pliny alludes to the Suari living "in an inland region below Palibothra," that is, in South Behar and the hills beyond. Ptolemy alludes to the Sabaræ in the same region; and here it may be observed that the Greek geographer has retained the Greek feminine form *æ*, answering to the Sanskrit *ī*, in the name of this tribe. The same geographer mentions a tribe called the Sauræ Nomades, (again preserving the feminine form), whom he places to the South of the Kondali and Phyllitæ, (the Greek renderings of the tribes now known to us as Gonds and Bhils). There is the tribe called Thaori in the neighbourhood of Gwalior and Ajmere; and the Siuli and Sauri in the hills of Orissa. The Hindu book called the Harivansa alludes to "the Sauras, Sauráviras, and "Sauráseni; and to the great king Saurasura, who gave his name "to the country, over which he reigned."‡ There is thus the testimony of Greek writers, Roman writers, Hindu writers, and of unwritten tradition, besides the evidence of still existing tribes, to shew that a name, whose radical letters are "Savar," covered, and still covers at broken intervals, an area co-extensive with almost the entire habitat of what is now called the Kol or Kolarian race; and hence it seems not improbable that this was an ancient name of the Kol race itself. If this supposition may be accepted, the Savari legend would simply come to this;—that the Mushéras sprang from a female ancestor of the Kol or Savar race, whose children learnt how to use the *gahúda* and to live by hunting the wild animals of the forest.

Lastly, a brief allusion must be made to a genealogy of

† This is the opinion stated in Buchanan's *Eastern India*, and it is followed in Elliot's *Select Glossary* under the name Chéru.

‡ Cunningham's *Ancient Geography of India*, 1871, pp. 508-509 Elliotts, *Select Glossary*, 1869, vol. I, p. 61. Sherring's *Hindu Tribes and Castes* vol. III, p. 63. Bengal Census Report, 1872, p. 191-2, and p. 158. Colonel Dalton's *Descriptive Ethnology of Bengal*, p. 149. The change of *th* into *s* in the names Thaori and Sinli or Sauri, is quite in accordance with philological principles.

tribes current among the semi-Hinduised Mushéras of Upper India. The following is the genealogical tree :—



Thus the semi-Hinduised Mushéras trace their pedigree through Chérus, Kols, and Bhils up to the Vedic Rishi, Kasyapa, whom the later Hindu scriptures (the epics and Puránas) represent as the father of all living things, *hominum sator atque deorum*. By his first and chief wife, Aditi, he begat gods and men, and by his twelve others he became the father of demons, snakes, birds, and all living creatures. Kasyapa is the Vedic saint, whom most tribes in Northern India, outside the pale of caste, but seeking to find admission, claim as the remote ancestor of their more immediate forefathers.

II.

Having thus stated all that could be gathered regarding the origin of the tribe, and the traditions and facts by which its origin is disclosed, we turn to the subject of its industries, food, and dwellings. These, however, vary to some extent according to the sub-divisions or parts of which the tribe as a whole is made up.

The Mushéra tribe is made up of three distinct parts, each of which must be considered a separate sub-tribe, since one never intermarries or eats with either of the other two. All however have retained the common name of Mushéra; all consider themselves to have sprung from the Chéru or Savari stock; all sing the same tribal songs; and all use or worship the *gahdála*, the instrument ascribed to their male ancestor, Deosi, by which they chiefly live. These are the bonds of union between parts, which in other respects are distinct and diverse. The three parts or sub-tribes are; (a) the Junglí or Pahári Mushéras, men of the forest and mountain, who have maintained the largest share of their primitive speech and customs, and who stand entirely aloof from their descendants in the open plain, whom they regard as degenerate; (b) the Debáti or Dehi Mushéras, who have become partially Hinduised, and are in the habit of dwelling in fixed abodes, in the

outskirts of villages, or at least within reach of settled and semi-civilized communities; (c) the Dolkárhás, who besides hunting and doing other work with the *gahdála*, have acquired an occupation peculiar to themselves for which they are disowned and condemned by their brethren, *viz.*, that of carrying doolís or palkees for hire, and who for this reason are called Dolkárhá. We might, therefore, briefly describe the three subdivisions of the tribe as the savage mountaineer, the semi-savage villager, and the semi-Hinduised palkee carrier. The two first are known by the generic name of Banmánush, or men of the forest; but rarely or never the last. Similarly the two first call themselves Bindrábani, or "dwellers in the great forest," (now almost a misnomer in regard to Dehāti or village Mushéras); and by this generic name they distinguish themselves from Dolkárhás, whom they scarcely recognize as fellow-tribesmen. The last has, (excepting in his diet, which is still of a description regarded as foul in the eyes of Hindus), made the nearest approach to Hinduism, and might now, on account of his acquired speciality of function, be considered a Hindu caste, but one of a very low order.

There is no legend as to how or why Mushéras of the Dehāti or village class became detached from their savage ancestors of the hills. Nor ought we to expect to find any. What they (the villagers) told me themselves about their detachment from the parent stem represents the simple fact:—"the more our jungle was taken from us, the more we came to live near villages." The separation, then, was marked by no event which could have become the basis of a legend or folktale, but was the gradual, imperceptible effect of the disappearance of the great primeval forest, with which the Gangetic plain was once entirely covered, when its inhabitants were still hunters or nomad graziers. Those portions of the tribe which had been accustomed to live in the forest-covered plain found themselves more and more hemmed in by villages and cultivation, and having no other place to go to were forced to remain where they were, and so became themselves in a certain sense villagers. A large number of them must have melted imperceptibly into the various Hindu castes that hedged them in on all sides, just as the savage Mushéra is still, before our own eyes, melting into the village Mushéra, or as the village Mushéra has partially melted into the palkee-carrying caste of Dolkárhá, or as the Khairwars and Chérus, (kindred tribes to the Mushéras), are known in some cases to have risen to Rajputs or Chattris, while a savage remnant of both tribes is still extant in the hills of Central India. The Dehāti or village Mushéras, whom we now see scattered about in so many nooks and corners of forests in the plains of India, represent the

remnant who have adhered; as far as possible, to their ancestral customs, while the rest have openly laid all such customs aside, assumed new names and ranks according to the castes into which they have entered, and accepted the traditions of their acquired castes in supersession of their own.*

The formation within recent times of a distinct sub-tribe of Mushéra, possessing a special occupation of their own, yet still retaining the ancestral name Mushéra, was more calculated to furnish a basis for some explanatory legend, and accordingly we find one. There was a Mushéra, (says the legend current in Mirzapur), named Anséri, who with his wife and six sons lived in an isolated hut on the Kuntit estate, in the Mirzapur district. Here, in a grove in the midst of the rice fields, he kept watch over the landlord's crops at night, and received in return for this service a portion of the village grain-heap at the annual harvest. It happened one day that the son of the raja or landlord was about to be married; but a sufficient number of Kahars, (the palkee-carrying caste proper), could not be found to carry the large number of palkees and doolis required for the *barát* or marriage procession. He was therefore forced to call upon the Mushéra to send him his six sons and as many other Mushéras as he could collect for this purpose, promising a liberal reward and increased patronage in return. Anséri yielded to the temptation on these conditions; and his descendants and followers have been palkee-bearers ever since. But when his fellow-tribesmen came to hear of his having embraced, and induced others to embrace a calling so opposed to all the traditions of the tribe and to the precepts of Deosi, they expelled him from the brotherhood, and refused ever to eat, marry, or associate with him or his descendants again. Anséri and his followers being thus cut off from their brotherhood formed a new tribe, or (as we might almost express it) became an Indian caste. The Doikarhá caste is chiefly to be seen in the Mirzapur, Jaunpur, and Benares districts. Anséri, its reputed founder, is beginning to supersede Deosi; fishing is coming as much into fashion amongst them as hunting and trapping; some day probably the punt pole will succeed to the *gahdála* as their national tool, and eventually perhaps the name of Mushéra will be lost in that of Kahar by which outsiders, ignorant of their origin and not caring to enquire, are already beginning to call them

*It is not certain, however, that on entering new castes, they always acquired new names. I myself believe that the Kori or Koli caste of weavers are sprung from Kols, and hence their name. I also believe that the name *Koiri* (the horticultural caste) is a variant of Kori or Koli.

In this way new castes are formed, or new sub-castes are engrafted on old ones.*

Anseri appears to be simply an eponymous ancestor, as Romulus was of the Romans, or Hellen of the Hellenes or Greeks." *Ansa* means half, and hence Anseri means the divider, the man who broke up the Mushéra tribe into two halves, the Dolkárha on one side, and the Biudrábani or Banmánush on the other.

Before going into the subject of the industries of Brindrābanis (in which Dolkárhas, too, still take a share), it will be best to describe the great tribal tool, called the *gahdōla*, which is to the Mushéra of all classes, what the *khanti* is to the Kanjar, the *bankā* to the Dom, the *rāpi* to the Chamar, the *spade-blade* to the Odh, the *farwar* to the Luniyá, or the *kukari* to the Tharu. It has a wooden handle, generally of bamboo, about 5 feet long, and some 2 or 3 inches in diameter. A flat piece of iron about 4 inches long, in breadth nearly equal to the diameter of the handle, and sharpened at the end only, is attached to this handle by means of an iron ring. With this simple instrument they dig for roots, cut or tear wood, hunt the beasts of the forest, explore crevices in trees or banks for honey, dibble seeds into the earth, dig holes for dwellings, and in short do almost every thing by which they live. In shape, as we have shewn, it is not unlike a magnified arrow. It is regarded as sacred in the eyes of Mushéras; and its invention by Deosi was recorded with much genuine pathos by a Mushéra bard from whom the following account was procured:—

"When Deosi excused himself for his absence from Pipri and pleaded that he was out hunting at the time of Lorik's attack, the elder brother, Shyamjit, reproached him saying, 'thou wast a Mashéra (flesh-hunter) by nature; why wast thou born in the house of the Chenrá? Lay aside thy bow and arrow, thou jackal, and take the turban off thy head. Go and live always in the forest, since by thy living there our house has been destroyed. Listen, Oh Deosi, from this day forward there is no brotherhood between us. Thou art henceforth a Mushéra, and I am, as before, a Kol Chenrá. Henceforth there shall be no standing or sitting together

* The Mushéras are not the only indigenous tribe of Central India which has contributed to the industry of palkee-carrying. On this point Buchanan's *Eastern India*, vol. I, p. 124, might be consulted, where he alludes to Khairwars and Rawanis as having taken up this occupation. Thus amongst the tribe of Khairwars there are three distinct types of culture in force at the present day; (a) the savage in the Khymore Hills; (b) the Palkee carriers in the plains, who have been to some extent reclaimed to Hinduism; and (c) the Khairwar Rajput, so called, who has intermarried with the Surabanshis or children of the sun, and whom I regard as the prototypes of the Rajput cian now known as Gharwar.

'between us, and no eating, or drinking.' On hearing these words Deosi stood before Shyamjit, and holding the palms of his hands together said, "Thou hast taken away my bow and arrow, Oh brother, how can I now live in the great forest?" Shyamjit replied, 'Go and maintain thyself in the forest with 'some other weapon made of iron and wood.' Then Deosi and his wife Udhuni went away from his sight and wandered on till they reached the Schura forest. Deosi taking some iron and a bamboo pole put them into the shape of an arrow and made the weapon (*galulāla*) which Mushéras have ever since used. Then after bathing in the river Son, sacred to Mushéras and Chérus, he and his wife made this supplication to Banaspati, the goddess of the forest:—"Oh mother, having 'left all, we have come to live in thy protection only: teach 'us now to make our living in whatever way thou mayest deem proper.' Mother Banaspati having heard these words appeared before Deosi in bodily form, and said, 'Have no 'fear, my son: I will take charge of thee in all thy ways.' Deosi hearing these words of the mother goddess placed the weapon he had made before her feet. The mother having taken it up pronounced a blessing upon it, and placed it in the hands of Deosi, saying: 'Go, my servant; with this 'weapon thou shalt maintain thy life.' Hearing the words thus spoken by the goddess mother, Deosi rejoiced in his heart, and taking the weapon in his hand went away searching every where for cows and for Ahirs. In house or forest, or cattle pen, wherever he met with Ahirs, he killed them and drove away their cows. He learnt to distinguish every herb of the forest, and by this means he made his living. Oh mother, Banaspati, our queen goddess, who hast made the Mushéras spread out like creepers, two sons, Rámja and Bipat, stood before Udhuni, their mother, after Deosi their father was slain. From these two sons the Mushéras spread out from forest to forest, like a creeper from bough to bough."

Foremost among the industries practised by Mushéras, we must describe those on which they depend for daily maintenance, *viz.*, the digging out of animals and roots with the *galulāla*. They are root-diggers and hunters combined, differing in this respect from the native tribes in North America, who are either root-diggers or hunters, but rarely both at once. But the game which Mushéras hunt is of the meanest description, except when it is a wolf or a wild boar; and even then their mode of hunting is a mere matter of stealth or cunning, courage and field sport being altogether wanting. There is scarcely any kind of beast or creeping thing which they will not eat:—Lizards of various kinds, especially the *goh* snakes, wild cats, tame cats, wolves, jackals, wild

dogs, wild boars, tame pigs (which they sometimes rear), foxes weasels, porcupines, otters or water jackals, as they are sometimes called in India, bandicoots, rats and mice, the eggs of lizards, tortoises and the eggs of tortoise, frogs, crabs, snails, alligators, and all kinds of birds, except the crow, kite and vulture, which somehow or other they have learnt to consider unfit for food. Writers have sometimes distinguished tribes from one another by the peculiarities of their staple diet ; and this is certainly one of the points of distinction in modern India between one caste or sub-caste and another. Thus Herodotus tells us of the wolf-hunting tribes of Asia Minor, the fish-eating tribes of Babylonia and of Upper Egypt, the serpent-eating tribes of Ethiopia, and the Anthropophagi or man-eating tribes to the north of the Borysthènes,—all flourishing in his own day. In the North-West territory of Canada we hear of the fish-eaters and the dog-eaters. The wandering and savage tribes who roam the desolate regions of Asia, bordering upon the icy sea, have been distinguished by the name of "Ickthyophagi, or fishing tribes, which describes "their mode of life." In Southern India, at the present day, we hear of tribes being distinguished from each other as horse-eaters, frog-eaters, cat-eaters, porcupine-eaters, &c., and in ancient India, there was the tribe of Swapāch or Sopāk, the dog-eaters, who are known to be the ancestors of the modern Dom.* But Mushéras are too omnivorous to admit of being distinguished from other tribes on any such principle. They eat any and every living thing which they can dig out of the ground with their *gahdāla*, or kill by any other means, or poison with the juice of forest herbs. As to the roots and bulbs which they dig out for food, and the herbs and wild fruits which they collect from the forest for the same purpose, the list is almost endless, and most of these names will not bear translation into English. The list includes the roots of the various water-lilies, the root of the dhák, the fruits of the pipal, banyan, and other fig-trees indigenous to India, and various kinds of leaves, whose edible properties, when boiled, are not known to any but Mushéras. What Colonel Dalton has written of the Korwás, who are near neighbours to the hill Mushéras, is true of Mushéras both in the hills and plains :—" They have

* Herodotus, Book VII, 75, I, 200; III, 19; IV, 18, 183, and 106. Strabo in XV, 2. 2 alludes to fish-eaters, who dwelt on the sea coast of what is now called Beluchistan. Pritchard's *Natural History of Man*, vol. I, p. 221; edited by Norris 1855. Ross's *Fur traders in the Far West*, vol. I, p. 249. *Great Deserts of North America*, by Abbe Domenech, vol. I, pp. 239, 240. Sherring's *Hindu Tribes and Castes*, vol. III, 133-134, 141, and 176. The late Mr. Sherring, with all other writers on Indian ethnography, thinks that Mushéras have derived their name from eating rats. The above description shews how very inapt such an etymology is.

"as keen a knowledge of what is edible among the spontaneous produce of the jungles as monkeys have, and they often use this knowledge for self-preservation. They brought to me nine different kinds of edible roots, and descanted so earnestly on the delicate flavour and nutritive properties of some of them, that I was induced to have two or three varieties cooked under their instructions and served up, &c." One of the chief kinds of vegetable diet eaten by village Museras is the nut of the *chiraunji* tree, which is now not unfrequently to be seen on the dinner table in European houses; and another staple article is a root or bulb resembling a yam, and probably of the yam species, which is similarly prized by the Tharu and Bogsha tribes living in the sub-Himalayan forest. A pile of these roots is kept in stock in most of the Musera hamlets as a stand-by, should other supplies of food run short. It is of rather a bitter flavour, and requires much soaking and boiling before it is fit to be eaten. Museras will eat not only the fruit, but also the tender stalk of the plantain; and like most natives of India they are fond of the dried flower of the mahwa tree. There are also certain wild plants from which they extract oil. As fowls they are unskilful, and do not study the art of bird-catching, poison extracted from forest herbs being almost the only means resorted to. Some Museras (those who live near enough to rivers and swamps), practice fishing by means of the funnel-shaped basket, which they can either make for themselves, or procure from men of the fisherman castes; and such baskets may not unfrequently be seen in Musera hamlets suspended from the branch of a tree. Thus Museras exemplify the combined practice of root-digging, hunting, and fishing, the three great industries by which men in the savage state have preserved their lives.

If Museras cannot be distinguished from other tribes by food, owing to the multifarious character of their own comestibles, yet there are certain peculiarities of diet by which the sub-tribes of Museras are distinguished from each other. Dolkarhas eat of the flesh or carrion of horses, and rear fowls; whereas Bindrabanis, whether of the hills or plains, do not touch either. This eating of horse flesh is a more decisive indication of their detachment from the parent stem, even than the carrying of palkies. For the horse is a tabooed animal to the genuine Musera, as the ass is to the Dom, the dog to the Bauriya, the sheep to the Kharrias of Manbhum, or the pig to a Mussulman. The same cannot quite be said of the fowl. But Museras have a prejudice against this domesticated bird, perhaps because it is domesticated, and in practice they do not rear them.

As horse flesh is the mark of difference between Dolkarhas

and Bindrábanis, so beef is the bone of contention between the two sub-tribes of Bindrabanis, *viz.*, the villager and the savage. The village Mushéra has so far acquired the prejudices of Hindus that he will not eat beef. But the hillman or savage has no scruple against eating cow's flesh, wherever he can get it. He still eats the flesh of bullocks and buffaloes which have been offered in sacrifice ; and until lately he was a cattle-lifter and cow-killer by profession. In places where he can escape detection, he is probably a cattle-lifter and a cow-killer to this day. It is certain that he never keeps cows for the sake of their milk, as Hindus are so fond of doing ; and it is well-known that those Kolarian tribes who have learnt the art of agriculture, will yoke cows quite as readily as bullocks to the plough. So far from worshipping a cow, he would kill her and eat her if he dared, as his congeners the Bhils still do in lands lying farther west, and the Bhumij tribes who live in Singbhum and Chutia Nagpur.* This taste for beef and the pronensity to catch and kill cows for the sake of eating them, is, or was, the ground of the long standing traditional enmity between Mushéras and Ahirs. This was the real cause of the fighting between Makará, the Kol Chenrá, and Lorik, the Ahir king, of which a summary has already been given ; and to this fact must be ascribed the curious event which closed the first attack of Makará against Bohá, when the bulls, in the absence of their master, turned round and fought the enemy, and drove him back to his own side of the Ganges. There is a still more remarkable episode near the close of the second battle. When Sánwar, the elder brother of Lorik, had been defeated and was about to be slain by Makará, the family priest of Sánwar was consulted as to the date fixed by the stars for Sánwar's death ; and when the astrologer refused to answer, the Kol king knocked him down on his back, and kneeling on his chest declared that he would make him eat beef if he refused to disclose the secret,—a lesson which Mahomedans have since learnt to practice on Hindus, when their fanaticism is roused. The antipathy between Mushéras and Ahirs on the beef question is rapidly becoming a thing of the past. Mushéras of the plains have lived so long amongst Hindus that they have learnt to respect (as we have shown already) the life and flesh of the sacred animal ; and those who live in the hills avoid, on prudential grounds, doing any thing to excite the hostility of a hill tribe of cowherds named Bharautiya or Bhurtiya, who graze their cattle in the same jungles.

* On the last, see Colonel Dalton's *Descriptive Ethnology of Bengal*, p. 177. See also p. 190 and p. 201, where he says that the Hos, (a Kol tribe) all eat beef.

The account which we have here given of the beef-eating propensities of Mushéras is well in keeping with what another witness recorded some 30 years ago of the Savaris, the near kinsmen of Mushéras and Chéru: "The Savaris are fond of intoxicating drinks, and eat the flesh of swine and oxen. During the hot season they often attack by night the Banjāras or travelling merchants, when halting at the camping grounds amid the hills and forests of Sarguja, and drive off their pack-bullocks, which during the rainy season they (the Banjāras) pasture in the jungle, and early in November bring for sale into the Mirzapur district.* The hostility still existing between Savaris and Banjāras is closely analogous to what once existed between Mushéras and Ahirs, and sprang from the same cause,—cattle-lifting and beef-eating on one side, and cattle-rearing on the other.

There is, or was, one more article of diet to which Hill Mushéras are, (or were till lately), addicted, *viz.* human flesh. It is not certain that cannibalism is even now quite extinct in Central India; for I have heard from a native gentleman, who had lived long in the Mirzapur district, that any man or woman who happened to pass up a certain hill, by a certain track, used to disappear in the most mysterious way, and that their disappearance was by general consent ascribed to a cannibal hill-priest or magician, who lived in a cave on the hill side, and whose powers as a magician were ascribed to human diet.† There is reason to believe that the Central India tribes used, till lately, to eat the flesh of the men or boys sacrificed to their goddess, under whatever name she might be worshipped, whether as Rānkini, or Thākurani Mai, or Chandā, or Banaspati, or Nikundi, or Bahiya, or any other of the ferocious prototypes of Kali, the death-goddess of the Hindus.‡ It is said, too, that some tribes of the Kolarian stock,

* Dr. Oldham's *Memoirs of the Ghazipur District*, p. 52.

† In Baron Von Hubner's *Through the British Empire*, vol. I, p. 105, it is said of the Zulus, "that to be a magician a man, they say, must have 'tasted his kind.'" The Hindu Ojhas or Magicians are invariably priests of Kali, to whom human victims were offered and sometimes eaten. Mention is made in the Mahabharata of Brahmans who eat human flesh.

‡ The following extract from the *Pioneer*, (a daily newspaper much read in Northern India), dated 14th October 1885, will shew the prevalence of human sacrifice even at the present day, in Central India:—

"Human Sacrifices in Bustar.—Great excitement prevails in the villages and towns adjacent to Bustar owing to men being carried off for purposes of sacrifice. Men move out in numbers and never venture alone. It appears a son was recently born to the Bustar Rajah, and it has therefore been determined that a larger number of human sacrifices should be made this year at the approaching festivals of Rādhayāthra and

like the Kalatii of Herodotus, were, until very lately, in the habit of eating their dead parents ; so common was the practice, that a man, when he found his end was approaching, would invite his kindred to come and eat him.* An episode in the Chéru legend, of which the main facts have already been related, leaves no room for doubt that the Chérus, the immediate ancestors of the Museras, used to devour hostile chiefs slain in battle. When Lorik, the Ahir warrior, had at last slain Makará, the Chéru king, in single combat, he ripped him open, and searched keenly for Sánwar, saying :—"He has devoured my brother Sanwar ; but I cannot find any part of him in his belly."†

No account has yet been given of the mode by which they hunt or kill the wolf and the boar. In such sport they display, as was stated above, much ingenuity, but no valour. If the wolf sought after is a female, they wait till she has produced a litter of cubs. Her condition is secretly watched before the cubs are born ; and when the observer has perceived that this event is over, and has allowed a few days for the cubs to grow, they and their dam are marked out for destruction, which is accomplished by the following contrivance. An earthenware pitcher, with rather a narrow mouth, is fixed firmly into the entrance of the hole, the mouth being placed inwards. Previously to this, the pitcher has been filled with dried wolf dung mixed with the dried leaves of the Jigan tree, and these materials are ignited. A small hole is made in the bottom of the pitcher, at which the hunter, so called,

Dusserah, to the goddess Duntaswari at Duntavada. Reports received by Mr. Turner, the Governor's Agent at Vizagapatam, from his subordinates of the kidnapping of persons, have led that gentleman to investigate the matter, and he has accordingly been permitted to proceed, escorted by a detachment of police, to Bustar and interview the Rajah. The Government of the Central Provinces has been asked to help Mr. Turner. The practice of offering human sacrifices has been carried on up to recently. Lieutenant Hill mentions in his report that in 1838, some 25 or 27 full grown men were immolated on the Bustar Rajah setting out to visit the Rajah of Nagpur, and in 1842 Captain Macpherson reported that human sacrifices were still performed in Bustar, Jeypore, and in the adjoining zemindaries. In 1861 Captain McNerd, Agent to the Governor-General for Suppression of Mehriah sacrifices, reported that a girl was kidnapped from Pooroogher Mutah and sacrificed in Jeypore."

* Colonel Dalton's *Ethnology of Bengal*, p. 221.

† The Fijians, Samoans, Tongans and Kanaks used similarly to eat their enemies slain in battle. The Veddahs of Ceylon used to eat the liver only. The object of eating an enemy, or a part of him, was to acquire his valour. Similarly among Hindus of all castes, one hears occasionally of men being glad to get the genital organs of alligators, tigers, and other vigorous animals, which they dry and pulverise and mix with their own food, in order to intensify their procreative powers.

places his mouth and blows as hard as he can, so as to increase the volume of smoke. The smoke that is thus caused goes out from the neck of the pitcher into the hole or cave where the wolf is lying with her young ones. By a curious homœopathic instinct, common apparently to all mankind, and certainly of wide prevalence in Northern India, they fancy that the smoke from the wolf's own dung has the effect of destroying the vital powers of the wolf itself, just as the scorpion's blood in Europe was believed to be a cure for the scorpion's bite. The wolf becomes blinded, stupified, or poisoned (as Mushéras believe), from the effects of the smoke, and in this condition she is dug out and killed; and the cubs, if they are not already dead with suffocation, are killed also.

Their mode of killing the wild boar is equally ingenious and equally cautious. They watch the tree under whose boughs the boar is wont to make his lair at night and select a bough from which the animal can be most conveniently reached by a rope ladder. The Mushéra, being well skilled as he is in weaving aprons of bark and vegetable fibre, is not less skilful in making rope ladders for himself of the same material. Sticks are inserted, at about 20 inches apart, between a pair of ropes; and the ladder so made is very much what may be seen as part of the tackling of our own ships. The Mushéra, having watched his opportunity, fastens one end of the ladder to the bough already selected for the purpose, leaving only so much of the rope hanging towards the ground as will enable him to reach the boar with facility. He then quietly descends his airy ladder, and, standing on the last stick or bar, prods the sleeping boar with his *gahdûla* in the direction of the eye, skull, heart or throat, so as to give it a wound which will either kill it at once or render it incapable of flight or resistance. If the blow misses aim (which is not often), and if the boar shows signs of pugnacity (which is equally rare, since boars seldom look above them), the cautious hunter runs up his ladder and is safe. If not, the blows are repeated again and again till the animal is hacked to death. The man generally takes a second *gahdûla* with him; for the first is sometimes left on the ground after the first prod has been delivered.

After digging out a snake, they do not cut it in two with the blade end of the *gahdûla*, but pound its head with the handle, which is thus converted into a club; for they have a superstition that, if the snake were cut in half, the part containing the head would fly up and bite them—another instance of their caution and timidity.

In the hunting of amphibious animals, such as the tortoise or alligator, there is a similar display of caution. The tortoise

is too harmless an animal to give ground for fear. But a full grown alligator is dangerous, and therefore they attack the young ones only. They take them unawares as they lie basking on the sand of the river bank, and, cutting off their retreat, slay them with the *gahdâla*.

Timidity is thus a general characteristic of the tribe ; and if we were to seek for a comparison from some other part of the world, we should say that the Mushéras of India bear a much closer resemblance to those tribes of the American continent which are known as root-diggers and fishermen, than to those of the hunting and warrior class, whose chief characteristics are manliness and the love of dangerous adventure.*

Mushéras are passionately fond of intoxicating liquors, and it was chiefly through giving them copious libations of such draughts that they were induced to open their minds and become communicative about their customs and legends. Without such libations, little or nothing could have been got out of them. But it is a remarkable proof of their backward or savage condition, that they are totally ignorant of the art of brewing or distilling fermented liquor—an art with which few even of the most savage tribes in India and in other parts of the world are unacquainted. Careful enquiries have been made on this point, and it has been ascertained beyond doubt that Mushéras, though hard drinkers and accustomed to take oaths on wine or the wine god Parihâr, are wholly unacquainted with the art of distilling or brewing. They are often in debt to wine sellers (Kalwars), and would certainly avoid such indebtedness if they could be independent of them, especially as the mahwa tree, from whose flower liquor is fermented by other tribes, can be gathered in abundance amongst their own habitations. Almost all the hill tribes of India, from Orissa to the Western Ghats, know how to make Illi, or rice beer, or to ferment the juice of the mahwa flower. Colonel Dalton instances the savage Juangs of Orissa as an exception : “ They are addicted to ardent spirits,

* The following description is given by Abbé Em. Domenech (in *Great Deserts of America*, vol. II, p. 16) of the difference between the two sets of tribes in North America :—“ The savages of the prairie, being almost “ always on horseback, scouring over the wilderness in quest of plunder, “ and finding their subsistence only by means of continual exercise and “ violent combats, are in general well made and vigorous. Those, on “ the contrary, who live by fishing, and are constantly sitting or stooping “ in their canoes, are of short stature and ill made ; their legs are crooked, “ their hips large, and their feet flat and broad.” The same writer gives an equally graphic description of the physiognomy of the root-diggers, whose mode of life more closely resembles that of Mushéras than the fishermen.

but are obliged to buy what they consume, as they have not acquired the art of distilling, or even of brewing rice beer, which every Kol understands." * But one more exception must now be added, *viz.*, the Kol tribe of Mushéra.

Another, and less innocent, stimulant to which they are much addicted is *bhāng*, the produce of the wild hemp, as *ganja* is of the cultivated variety. The cultivation of this plant, from which alone ganja, as distinct from bhāng, can be produced, requires much skilful and patient industry; and to such skill and industry Mushéras are entire strangers. In this, as in most or all other contrivances for human comfort, the first discoverers were savages. It was Mushéras and their congeners of the forest, who, profiting by their habitual contact with nature, first brought to light the stimulating properties of hemp. But it has remained for others to cultivate the plant and produce the improved variety. The same may be said of the *tambol*, or betel nut, the cultivation of which now taxes all the skill and care of the Indian gardener, but which in its wild state was first known to savages only.

* *Descriptive Ethnology of Bengal*, p. 154. So common is the art of distilling rice beer among the Kol tribes, that, according to the Kol theory of creation, it was not till the first man and woman had discovered the art of making "Illi," or rice beer, that they learnt the art of propagating their species. The art of brewing rice beer is known to the Thārus of Upper India, and the making of toddy or palm wine is known to Kanjurs, and to almost all the lowest castes, such as Pāsis, Khatiks, &c. Almost all the inferior tribes and castes can make wine from the juice of the mahwa flower. As to the knowledge of brewing in countries other than India, the reader might refer to *Mishmee Hills*, by T. T. Cooper, 1873, pp. 127, 196, 208, where the Abors, the Khantees and the Mejas are successively described as making fermented liquor from rice. *British Burma*, by Captain Forbes, 1878, p. 253, where the Chyins, a wild tribe of Upper Burma, are described as brewing a liquor called *khoun* from rice. *At Home in Fiji*, by Mrs. Gordon Cumming, 1881, vol. I, pp. 87-9, where the authoress describes the brewing of *yangma* (sometimes called *karwa*), by chewing the root of the plant so named, and praises it as a "pleasantly stimulating drink." *Tarvels of a Pioneer of Commerce*, by T. T. Cooper, 1871, where the semi-savage Leisus are described as making mead, resembling muddy pale ale out of wild honey. *The River Congo*, by H. H. Johnston, 1884, where in pp. 75, 91, 148 the natives are said to make wine from the palm, like the natives of India, and in pp. 187, 197 from sugarcane. *Through Masai Land*, by J. Thomson, 1885, pp. 139, 144, 443, 487. *Unbeaten Tracts of Japan*, by Isabella Bird, 1881, where in vol. II, p. 58, a knowledge of the art of brewing *saké* wine or beer is ascribed to the savage Ainos, in the northernmost island. In Elton's *Origin of English History*, a knowledge of beer, under the name of metheglin, is ascribed to the savages of ancient Britain before the time of the Roman invasion. The Kaffirs brew their beer from maize; Baron Von Hubner's *Through the British Empire*, vol. I, p. 101. In Mr. H. H. Johnston's work on *The Kilima Njaro Expedition*, ed. 1886, the Masai savages are described in p. 425 as "making an intoxicating mead called ol-marúa from honey mixed with water." Such examples; and more might be quoted, are sufficient to show how general the art of making fermented liquor is even among the most backward races.

Of agriculture, except in its rudest form, Mushéras are totally ignorant. Those living in the plains, where their patches of *dhák* forest are surrounded by ploughed fields, are of course acquainted with the plough, and know what it is used for. But they very rarely use it themselves as hired labourers, and never take farms on hire as tenants. Those who live in the hills do not even know the use of the plough ; but cultivate, if they cultivate at all, by the hand only. After clearing and burning down patches of forest, they dibble seeds of rice, their favorite and sacred grain, into the earth with the *gahdúla*, and by this means raise small crops for one or two seasons in succession, after which the land is again abandoned to jungle and the process is repeated elsewhere. But even this kind of agriculture is not common ; for Mushéras are not at all dependent on grain for food, and forest areas, on which such cultivation can be practised, are much more scarce than they were. For several reasons, too, it has become more profitable to them to preserve the forest than to destroy it. Colonel Dalton thus describes the agriculture of Savaris, the ancestors of Mushéras, as he has seen it practised at the present day :—"They cultivate lands which they consider their own in out-of-the-way places ; and their most striking characteristic is that they till the land with a small hand-plough, and have no other agricultural implements."* The same may be said of the Shans and Hill Karens at the present day, a people whose love of forest life is scarcely surpassed by that of Mushéras, and all of whose agriculture is still carried on by the hoe and the axe. In fact the same instrument which is used as a pick or axe can, with a very slight change of shape, be used as a hoe ; and a hoe, inverted, and drawn by oxen or horses, becomes a plough. It is in this way that the methods and appliances of modern agriculture have been developed out of the rough hand-tools used by Mushéras, Savaris, Shans, and almost all the backward tribes and races still left in the world. Nor is it among the most backward races, only that such primitive methods can be seen at work. They have survived, for example, amongst the Chinese, the best gardeners and agriculturists in Asia, amongst whom "all the crops of wheat and barley are dibble sown, according to the immemorial practice of Chinese agriculturists."†

* Descriptive Ethnology of Bengal, p. 149.

† *Travels of a Pioneer of Commerce*, by T. T. Cooper, 1871, p. 95. The Shan method of agriculture is described in Mr. Colquhoun's recent work *Among the Shans*. Grey's *Polynesian Mythology* contains many allusions to the hoe or spade, but none at all to the plough. See, for example, p. 11 and p. 120, Ed. 1855. Among the backward tribes of India there is a near likeness between the *khanti* of Kanjars, the spade

From the food and stimulants by which Mushéras sustain or exhilarate their lives, and the arts and methods by which these are procured, we turn to their dwellings. Those living in the hills do not trouble themselves about house-building. Sometimes the dwelling, so-called, is a mere collection of boughs so packed together as to form a kind of nest, the top being covered with other boughs, or by a covering of the broad mahul leaves neatly stitched together. This leafy dwelling is so small that a man or woman can only crawl into it and lie down. Sometimes a few feet of earth are dug out, and the boughs are then packed on the sides as before. If a tiger is believed to haunt the neighbourhood at nights, the family spend the night up a tree like monkeys. Some live in holes and natural caves in the hill sides, or in such caves deepened and widened, if necessary, with the *galudula*. In the dry season of the year, families will sometimes live in the open air in sheltered nooks and corners on the banks of rivers. Men who can make a rope ladder out of bark fibre could, if they wished, make a thatched roof; but Mushéras have a superstition against living under thatch, the grounds of which are shown in the legend quoted in the note.* In the character of their dwellings we are reminded of the Troglodytes, or cave-dwelling Ethiopians, who, according to Herodotus, "fed on serpents, lizards, and other reptiles, and spoke a language that sounded like the screeching of bats." At the present day there are the Rock Tibboos, descendants, perhaps, of the cave-dwellers of Herodotus, who live in caves on the slopes of the Tibuti range. Nor are similar instances wanting

blade of the Oáhs, and the *galudula* of Mushéras; and each of these can be used for rude agriculture. The cultivation of the Hill Karens, who first burn down the forest, and then dibble seeds into the ground with a pointed stick, is closely analogous to that of Hill Mushéras: see description given in Forbes' "British Burma," p. 282, Ed. 1878. Among the Wacagas, in Eastern Equatorial Africa, husbandry is a favorite pursuit; but though they are acquainted with the blacksmith's art, and can make choppers, adzes, and sickles, they still use wooden hoes, not ploughs, in agriculture, an engraving of which can be seen in page 441 of *Kilima Njaro Expedition*, by H. H. Johnston, Ed. 1886. "Their time," says the writer, "is constantly spent in tilling the soil, manuring it with ashes, raking it "and hoeing it with wooden hoes."

* Deosi, the ancestor of Mushéras, was one of 7 brothers. Their father Makara Darga Rai, king of Pipri, had had a large new thatch made to cover his house. All the brothers, except Deosi, were present to assist at the lifting of the thatch. Owing to Deosi's absence, the thatch could not be raised, but fell in on them and was broken. When Deosi appeared, and was reproached for his absence, he pleaded that he was engaged in hunting or seeking flesh, *Mashéra*. His brothers were so angry that they expelled him saying, 'Henceforth thou shalt be Mushéra, and "have no more communication with us." Mushéras were thus banished, and condemned never to live under a thatch roof.

in India in past and present times. The Kols, who survived the so-called Rajput conquest of Mirzapur, "were a people living in swamps in the dense jungle, their favourite dwellings being stone caverns surrounded by deep pools of water." Many of these Kols were Mushéras. A more recent example is that of the Kuramba tribe in Southern India, who live in the Nilgiris, and "whose dwellings are nothing more than a few branches piled together like heaps of dead brush-wood, and often simply holes or clefts in the rocks." Among the native races of North America, certain savage tribes are said to live in "natural caves, or in huts rudely built with branches." Of the Bosjeman tribes of South Africa, it has been said "that they had formerly their habitation among the rocks, in which are still seen rude figures of horses, oxen or serpents; and many of them still live like wild beasts in their rocky retreats." Of the Korwas, an Indian hill tribe, close neighbours to Mushéras both in locality and kinship, it has been said that they sometimes "build their huts like eagles' eyries on the ledges of mountain precipices in the most inaccessible places." For a parallel to the practise of inhabiting trees at night, as Mushéras occasionally do, as a precaution against wild beasts or other dangers, there is the case of the Dokos in Equatorial Africa.*

Village Mushéras usually live in huts, but not always; for I have seen a family inhabiting a mere pile of branches within 10 miles of the city of Fyzabad. Most of them, however, have overcome the superstition against living under thatch, although they can quote the legend against it. But the huts in which they live, although they are thatched, are more like holes for beasts than dwellings for men. The walls are so low that a man or woman can only crawl into them on all fours. They are as low as the mud hovels which Pásis, Khatiks, Chamárs and others build out in the fields as a shelter for their pigs at night. The walls are made of puddled clay, and as the material is close at hand in unlimited abundance, and can be puddled with very little labour, we can only regard their preference for such hovels as a prejudice which has come down to them from the days when their forefathers dwelt in holes and caves in the hills of Central India. No beings possessed of reason could deliberately construct such diminutive dwellings, except under the influence of some strong traditional bias. If the conclusions

* Herodotus IV, 183. Rawlinson's Note 7 to Herodotus IV, 183. Raikes' "Settlement Records of the Kuntit Pargana," section 4. "Sherrings' Hindu Tribes and Castes," vol. iii, p. 176. "Great Deserts of North America," by Abbé Em, Domenech, vol. i, p. 15. Prichard's "Natural History of Man," Book II, Chap. XVI, p. 347, Ed. 1855. Latham's "Man and his Migrations," p. 15. Colonel Dalton's "Ethnology of Bengal," p. 227.

of chronologers and antiquarians are correct, it cannot be less, and is probably more, than 2,000 years since Mushéras first began to live in the Gangetic plain; yet after all these years, and with the example of better built houses before their eyes, they still prefer the ancestral hole or hovel, and would rather crawl or crouch like beasts than dwell in a house in which a man can assert his natural privilege of standing upright. In Behar, as I am informed, these hovels are built in a circular form like bee-hives.* In Oudh and the intervening districts of the North-West Provinces, so far as I have seen, they are always of angular shape.

Even a village Mushéra, who has taken service with a Hindu or Mahomedan, (which is a thing of rare occurrence) will not live under any kind of shelter, when it is offered him. I knew a case of a Mahomedan gentleman, who once had a Mushéra as his camel-keeper. The man was so timid and retiring, that he never allowed himself to associate with the other servants, and even in cold and rainy nights he went out into some nook or hole of his own where he cooked his food and slept. He invariably declined to take shelter under any of his master's sheds. This man once verbally consented to take service as a groom; but after a few hours of reflection he threw up the office, remembering that the horse was tabooed to his tribe. Though there were no fellow tribesmen to witness his delinquency, he clung to the ancestral superstition, and fled that day like a guilty man from his master's service. Had his fellow tribesmen heard of his having touched a horse even for once, they would have expelled him from their fraternity, and no Mushéra would have spoken, eaten, or smoked with him again for a space of twelve years.

The hamlets or villages in which households congregate are as tiny as the dwellings. It is not at all uncommon to find a single family living entirely by itself. The largest collection of households that I have ever seen consisted of four, the number of souls being from 12 to 16. In regard to the smallness of their social groups, as in many of the other characteristics already noted, Mushéras present a living picture of the most ancient type of human society. "Scattered over many regions," says Mr Herbert Spencer, "there are minute hordes, still extant examples of the primordial type of society. We have Wood-Veddahs living sometimes in pairs, and only now and then assembling; we have bushmen wandering about in families, and forming larger groups only occasionally; we

* Bengal Census Report, 1872, p. 164. With the smallness of the Mushéra huts the reader might compare those of the Masais described in *Kilima Njaro Expedition*, by H. H. Johnston, Ed. 1886, p. 420, where he says "the height of the dwelling barely exceeds 4 feet."

"have Fuegians clustered by the dozen or the score. Tribes of "Australians, of Tasmanians, of Andamanese, are variable, "within the limits of perhaps 20 to 50. And similarly, if the "region is inhospitable, as with the Esquimaux, or if the arts "of life are undeveloped as with the Digger Indians, or if the "adjacent higher races are obstacles, to growth, as with Indian "hill tribes like the Juangs, this limitation to primitive "size continues."* Nor do these examples exhaust the list. Of the Khamtees, living between the frontiers of Assam and Thibet, it has been said that their "clans consist of three or four houses" Of the hill Karens it has been said that "the smaller villages consist of but a single house, sixty or seventy feet long, divided into compartments, each forming a separate hearth for a separate family." Of the Kaffirs of South Africa it has been said, that "a kraal often contains only three or four huts." Of the Carribees it has been said that "they fall into small tribes or family groups, often not numbering more than 40 or 50 persons, and that a tribe is sometimes no more than a single family." Equally small groups are found to exist among the Masáis of Eastern Equatorial Africa. In the plains of Northern India, we find that Kanjars, Nats, and Maghaiyas of the Dom tribe, all of whom, like Mushéras, are still in the savage or semi-savage state, and outside the pale of Indian society, are incapable of combining into aggregates of more than 20, or at the most 30 souls. Similarly of the Korwás of Central India, it has been said that "they live in small detached hamlets consisting of three or four miserable huts, and sometimes of a single hut far apart."† The cause of the minuteness of these hordes or hamlets, is that the arts of life are undeveloped, and so there is nothing to hold larger groups together or even bring them together. The mutual dependence of parts, which is necessary to the formation and maintenance of societies organised on a wider scale, does not exist. Each family or hamlet is self-sufficing, and a larger collection of households, if it did not rapidly dissolve of itself, would only lead to a collision of interests, and perhaps to bloodshed. This, in fact, was the explanation which the Korwás themselves gave to Colonel Dalton of the smallness of their social aggregates:—"It is said by their neighbours,

* *Principles of Sociology*, vol I, p. 482. Ed. 1877.

† *The Mishmee Hills*, by T. T. Cooper, Ed. 1873, p. 228 9. Forbes' *British Burmah*, Ed. 1878, p. 287. Baron Von Hubner's "Through the British Empire," Ed. 1886, vol I, p. 101. McLennan's "Primitive Marriage," Ed. 1876, p. 49, where he quotes from Alexander Von Humbolt. "Through Masai Land," by J. Thomson, Ed. 1885, p. 413. On the smallness of the Australian groups, referred to by Mr. Herbert Spencer, the reader may consult Grey's *Travels*, vol. I, p. 252 and 256. Dalton's "Ethnology of Bengal," p. 227.

and admitted by themselves, that they live thus to avoid the bloody brawls which generally follow their attempts to form communities." Where tribes are thus broken up into a multitude of minute parts which cannot hold together, it will be found that the chiefs or kinglets, who attempt to rule such tribes, are not less divided against each other. Thus "the Kaffirs," as Baron Von Hubner was informed, "though better gifted than the Hottentot races, are incapable of forming any combination. It occasionally happens that some chiefs form a plan amongst themselves to kill the whites; but it never occurs to them to combine in the attack." Of the people of the Congo, it has been said—"What has made Mr. Stanley's work so rapid, and so comparatively easy, has been the want of cohesion among the native chiefs. If one village declined to let him settle amongst them, the next received him with open arms."* Thus dissension, and not union, is the characteristic of backward or savage races, both socially and politically. The extraordinary multiplicity of castes or distinct social units of which the Hindu population is made up, arises, as I think, less from the institution of caste itself, than from the antecedent dissension and dissociability of the original tribes, out of whom the various castes were subsequently and gradually formed.

Mushéras of all classes or sub-tribes are but scantily dressed; and the constant exposure to sun and rain consequent on this scantiness of clothing, helps to account for the regularly dark colour of their skins. Those who live in the plains, that is, the Dolkáras and village Bindrábanis, dress, as nearly as they can, after the manner of the lowest castes of Hindu villagers. The men wear a piece of coarse cloth round their loins, and the women another piece over their shoulders. The only covering to the head is its own thickly matted hair. Mushéras in the hills purchase cotton cloth from below; or if they prefer the old national garment, they cover their loins with a material made of bark-fibre woven closely together, of such fibre as is used in making the rope-ladders already described. Their costume might in this respect be compared with that of the natives of Fiji, "who wear bark-cloth made from the paper mulberry tree around the loins"; or with that of the natives of Samoa, "who wear a girdle of bark cloth."† The fibre chiefly

* Baron Von Hubner's "Through the British Empire," Ed. 1886, vol. I, p. 78. "The River Congo," by H. H. Johnston, Ed. 1884 p. 436.

† Baron von Hubner's *Through the British Empire*, vol. II, p. p. 295, 303, and 368, Ed. 1886. The process of making bark cloth in Samoa is described in p. 354. The process is the same in principle as that employed by Mushéras.

used by Mushéras is that of the *māhul* tree, the bark of which is beaten and washed till only the fibre remains.

We have now described the arts and industries connected with the food, shelter, and clothing of the Mushéra tribe. These are so simple, and yet (so far as actual wants are concerned) so complete, as to render the tribe independent of the rest of the human race, to make them, in fact, a self-contained, self-dependent, and self-sufficing people. The tradition that such is their actual condition, even at the present day, has survived amongst them with an extraordinary degree of tenacity. Though they have lived for many centuries in the plains of India, and seen new communities spring up and close them in on all sides, yet they ignore the proprietary rights acquired by others in the possession of land, and consider the jungle to be still their own. In this respect they act consistently up to the title of Banmánush or Banráj, "man or king of the forest." A father divides his bit of jungle among his sons, as if he were the owner, though in fact he is only allowed to live there on sufferance by the real landlord. When he gives his daughter in marriage, he gives his piece of forest or jungle with her as a dowry, if he has no son or sons to whom he can bequeath it. One family never comes to live or make its living in tracts appropriated by another, each respecting the other's so-called proprietary rights. In fact Mushéras have parcelled the jungles of the Indian plains, or what remains of them, for root-digging, hunting, fruit gathering, &c., in the same way as Gaddis have parcelled out waste lands for cattle grazing, or as Maghaiya Doms have parcelled out inhabited districts for burglary.

If the Mushéra tribe could be transported in a body to some distant island, say in the Pacific Ocean, reserved entirely for themselves, and affording the same natural products as India has furnished, they could feed, shelter, and clothe themselves without any difficulty; and any explorer, such as Cook or Erskine, lighting upon them for the first time, would rank them with savages of rather a low type,—root-diggers, gatherers of wild fruits and leaves, fishermen, and basket-makers; eaters of lizards, snakes, and all kinds of vermin; wolf-trappers, boar-trappers, eaters of dead parents, eaters of enemies killed in battle, dwellers in holes and caves; incapable of cohesion in groups of more than four or five households at once; ignorant of agriculture except in its rudest form; ignorant even of the art known to most savages of brewing fermented liquors; weavers of bark-fibre; and sacrificers of human victims to malignant goddesses. This is what the Mushéra was within recent times, and what he still is in most respects in his original home in the hills and forests of Central India, and to a

considerable extent even in the North India plains. This is the type to which he would revert in its fullest extent if there were no causes at work to check him, just as Hindus would revert to *Sati* and other barbarous customs now obsolete, if the Government which punished such practices as crimes were now withdrawn. It is the absence of such preventives which leads some nations, after reaching a certain point of progress, to relapse into barbarism; a good example of which is furnished by the indigenous tribes of Australia, all of which, though now savage, bear marks of having once known a higher civilisation than can now be claimed for them. Individuals, as is well known, can relapse into the savagery, which marked the infancy of our race, more rapidly than tribes or communities, when the restraints or attractions of civilised life are no longer within their reach.

Such, then, is the Mushéra *as he is to himself*. We have now to show what he is to the outside community or communities. The contact with Hindu castes and communities, most of which are far more advanced than himself (and in a densely peopled country like India, such contact is inevitable), will prevent him from ever reverting to the worst features of the original type. This contact has suggested the acquisition, and encouraged the practice, of several new arts and industries which were mostly unknown to his remoter ancestors. In these additional industries the neighbouring communities are as much or more interested than himself, and we shall now briefly describe them *seriatim* :—

1. *The collection and sale of medicinal roots and herbs.*—I have procured a list of some of the forest herbs and roots, out of which drugs are extracted by these men of the forest, but am not able to translate the names into English. Indian physicians (Baidya) and Indian druggists (Pansāri) are almost dependent, so far as medicines are concerned, on what Mushéras supply to them. Among savage and half civilised communities, the study of the medicinal properties of herbs has everywhere had a hard battle to fight against the inborn and irrepressible superstition with which all peoples have been afflicted, that diseases are caused and can be removed only by the direct agency of supernatural spirits, whose displeasure must therefore be counteracted by supernatural means, such as spells, philtres, incantations, sacrifices, &c. Thus in Burma there are two schools of medicine-men, those who profess the art of magic, and those who administer drugs; and each lives in constant rivalry with the other. On the Congo, on the other hand, where nature, if she were consulted, is not less rich in medical resources, the study of herbs is entirely neglected, while sorcerers and exorcists abound :—" Little or

no notion of the healing art is present; medicines are represented by vague potions and powders, delivered without any reference to their antiseptic qualities, but merely in regard to their hidden potentialities of magic.* It is much to the credit of Mushéras that they have given a marked preference to the study of nature, and opened the door to the discovery of natural remedies. In fact, their knowledge of medicine is one of the chief characteristics of the tribe. One of the objects, they say, for which the *gahdula* was given them by mother Banaspati was to dig up roots, and thus learn to "distinguish every herb of the forest;" such was the expression used by the Pathári or Mushéra hill priest in relating the invention of their great tribal tool. They profess to have found remedies for fevers, coughs, boils, loss of appetite, neuralgia, skin diseases, &c., and as their medicines have come into general use, there must be some value in them. To the lower castes a Mushéra is not unfrequently the village doctor, if there happens to be a Mushéra hamlet or hovel in the patch of jungle, which is generally to be seen on the borders of an Indian village. One Mushéra, who was a prisoner in the Lucknow Jail, told me that before he was locked up he had a regular practice amongst four or five villages in his neighbourhood, and had received by general consent the imposing title of Baidya (physician). Hill Mushéras are of course unable to assume the status of village doctor. But they too, like their brethren in the plains, collect medicinal herbs for sale, and receive grain or money for what they supply. Just as some tribes in India, such as Thárus and Doms, are dreaded for their supposed powers of sorcery and witchcraft, so Mushéras are respected and sought after for their real knowledge of the healing qualities of herbs; and it is greatly owing to this fact that they are allowed to live so freely in the jungles adjoining Indian villages, and to call these jungles their own. I know of no parallel to such knowledge as that possessed by Mushéras within India itself. But if we look outside India, we may find one in the native races of North America, whose botanical knowledge has thus been described by one, who was for many years a close observer of their manners:—"If the Red Indians are but poor astronomers, they are, on the other hand, excellent botanists. Living continually in the presence of vegetable nature, they have directed their rare faculties of observation to the study of plants, and their acquaintance with the vegetable kingdom is wonderful. It serves to indicate to them remedies for a great

* Forbes' *British Burma*, Ed. 1878, pp. 232-34.
The River Congo, by H. H. Johnston, 1884, p. 409-410.

number of wounds and maladies." Or we may find another parallel in the Miris, a tribe whose chief habitat is among the lower ranges and spurs of the Abor hills on the Thibetan frontier. "The tribe trade," says the late Mr. Cooper, "at all the Thibetan frontier stations, in vegetable medicines which grow in the Abor hills, the Chinese traders readily buying them in exchange for brass pipes, beads, copper pans used for boiling flesh, silver ornaments, salt, and yaks." * This example of a purely savage and forest tribe, like the Miris, procuring vegetable medicines from their own native forests, and selling them to an outside community so advanced as the Chinese, affords a close parallel to the position of the Mushéras in Northern India, who, being themselves a savage and forest tribe, wherever they can find forest to live in, discharge a like office to the physicians and druggists of the outside Indian community.

2. *The collection and sale of wild honey.*—This, like the preceding, is an industry which village and hill Mushéras share in common. There is no regular industry in India for keeping beehives and preserving swarms, and consequently there is no Hindu caste corresponding. The general public are almost as much dependent on Mushéras for honey as they are for vegetable drugs, the only kind of drugs used by Indian physicians.† Every thing in India is sub-divided into seven, if possible, as this is the lucky number. Mushéras accordingly say that there are seven different kinds of bees whose honey they collect for sale, *viz.*,—(1) the *khairá* bee, so called from its being of the colour of catechu made from the *khair* tree; (2) the *bhaunrá*, a large black bee, so called from its circuitous flight; (3) the *sárang*, a large bee, so called from its being spotted; (4) the *súpat*, so called because it is said to make its comb in the shape of the *súrp* or winnowing basket; (5) the *gingshá*; (6) the *pélhuruá*; and (7) the *dhúsrú*. The first and third are avoided by almost all men, except Mushéras, on account of their powers of

* The quotation relating to the Red Indians is taken from *Great Deserts of North America*, Ed. 1860, vol. II, p. 333. The allusion to the Miris is in the *Mishmee Hills*, Ed. 1873, by T. T. Cooper, p. 129. Many savage tribes are described as using poisoned arrows (the poison being extracted by themselves from herbs), which shows that, if they have not found out how to save life, they have at least learnt how to destroy it. See for example *Unbeaten Tracts of Japan*, by Miss Isabella Bird, vol. II, p. 91. The *Mishmee Hills*, p. 128. *Pioneer of Commerce*, by T. T. Cooper, p. 310. It is remarkable that in all these cases the poison used is the same—aconite.

† Honey takers are sometimes found in individuals of the lower castes or tribes, such as Kanjars, Nats, Pasis, &c. But there is no tribe in Northern India, except Mushéras, to whom honey-taking is an habitual and recognised industry.

stinging. As the bees have no hives made for them, they have to find out for themselves the best places for depositing their honey, and this is done sometimes in the cornices of houses, sometimes in the crevices of mud walls, sometimes high up in the cavities of stems of trees, sometimes in the cracks or crevices in the banks of hills or rivers. Honey is always gathered at night, and in the first or darker half of the month, as Mushéras have a notion that bees eat in the bright half of the month what they collect in the darker one. Moreover, the darkest nights are most convenient for stealing the honey. If the honey is stored behind a crevice in a wall or bank, it requires an experienced eye to find it out; for the entrance is often a small hole or crack, which has to be opened out, and widened by the *gahddāla* before the cavity behind it can be made accessible. The mode of taking the honey is by holding a lighted bunch of damp straw under the comb, the smoke of which stupifies and expels the bees while their honey is being taken.

If the comb has been attached to a high branch in a tree, no one but a Mushéra can take it down; and his method in this case is similar in one respect to that employed for killing a wild boar. He fastens a cable ladder from some bough immediately under the bees' nest, or even from the same bough; but the operation of fastening has to be very stealthily performed. The bottom of the ladder is made to reach the ground within a foot or two. The Mushéra then ascends the ladder from the ground in order to get near the honey, just as he descends it from the bough to reach the hog. A lighted bunch of wet straw is used in this case, as before, for smoking out the bees. The Mushéra having gained his prize descends his airy ladder with marvellous rapidity, his feet being almost as prehensile as his hands.

The most remarkable of all the honey-making flies or insects in Northern India is the one named seventh or last, the *dhusrú*; for it is so small and peculiar that we can scarcely call it a bee. Its very existence is a secret seldom known to any but Mushéras. I was once present with a Mushéra, when he opened out a hive of *dhusrús*. He took me to a banian tree, and with his *gahddāla* dug a hole into a crevice in the trunk, which opened into a larger hole inside. Having taken out the greater part of the honey and comb, he carefully covered up the crevice with leaves, so that no one else might see it. The bee, if we must call it so, is like a diminutive black fly, but rather shorter in the body in proportion to the width. It falls off towards the tail and has no sting. Attached to the back part of some of them there was a white ball bigger than the fly or bee itself. Inside each ball or egg was a tiny *dhusrú*.

There were many such eggs inside the hole, detached from the parent bee or fly, and more or less mixed up with the honey. The bee is not strong on the wing, and appears to avoid flying, except as a necessity. The honey which I tasted is intensely sweet. It is filtrated into the comb through a mass of little round balls of flower powder, which in shape look like grains of pulse. These balls or grains the Mushéras keep for their own consumption. I was accompanied in this little voyage of discovery by a couple of Indian gentlemen, both of whom were intimately acquainted with the products of their own country. Neither of them had ever seen or heard of the *dhusrú* bee before; and the Mushéra himself affirmed that none but men of his own tribe are acquainted with this kind of honey, or know where to look for it.*

It now pays Mushéras better to sell the honey which they can find than to keep it for their own consumption. Originally they must have discovered and collected it for their own use, as the Leisus are still doing in the China-Thibetan frontier, the Wood Veddahs in Ceylon, the Khamtees beyond the eastern frontier of Assam, the Maoris of the North Island of New Zealand, and the Masais and Wacagas in Eastern Equatorial Africa. The tribe last named have gone beyond Mushéras in tempting "the semi-wild bees to make their hives in the wooden cases put up in the forest trees." The Khamtees, however, are far less skilful than Mushéras in taking down honey from the top of a high tree; for where the Mushéra weaves for himself a light airy ladder of bark fibre, the Khamtee goes through the more laborious process of making himself a temporary ladder of bamboo poles, which he straps round the stem of the tree.*

3. *The manufacture and sale of leaf plates.*—There are wild tribes in Central India (including occasionally Mushéras themselves), who still make and wear leaf aprons; and such aprons are still worn by the women of the Andaman Islands. From the manufacture of leaf aprons to that of leaf plates the transition is easy, especially when it is found that there is a great demand for them, and that the manufacture is remunerative. All over Northern India leaf plates are more widely used than earthenware or crockery in any form, though not more commonly used than vessels made of brass. They are used by the lowest castes on account of their cheapness, and by the highest on account of their imputed purity; for amongst orthodox Hindus the products of the earth are believed to be much

* Pioneer of Commerce, by T. T. Cooper, Ed. 1871, p. 336: Indian Notes and Queries, June 1887, p. 167. The Mishmee Hills, Ed. 1873, p. 171, 208. At Home in Fiji, by Miss Gordon Cumming, Ed. 1881, p. 179. Kilima Njaro Expedition, by H. H. Johnston, p. 442. Through Masai Land, by J. Thomson, p. 476.

purser than the earth itself. The confectioners of Northern India generally carry about their little packets of sweatmeats done up in leaf plates or saucers. Old men seeking to end their days in sanctity, in the same spirit, but with a less degree of self-sacrifice than the hermits of old who retired altogether into the forest, never use any plates but those made of leaves. At large banquets given to men of various castes, each representative of which must have a dish and plate to himself, there is a great demand for leaf plates; and if there are any Mushéras in the neighbourhood, they are called upon to assist in furnishing the supply. Mushéras do not possess a monopoly of this industry, as they do of the two last described, though they have a very large share of it. There is a Hindu caste, *viz.*, the Bári, whose special function consists in making leaf plates, and whose name is derived from this calling; and it is not improbable that the caste has to a considerable extent sprung out of the Mushéra tribe, though I have not succeeded so far in finding any legend to verify the conjecture. When Báris are unable to meet a suddenly increased demand, they go to Mushéras, and even to hill Mushéras, if such are within reach, to help them. In most of the towns of Upper India, if any Mushéras are living in the neighbourhood, a woman of this tribe may be seen walking towards the town in the early morning carrying a basket on her head piled with leaf plates tightly packed down together; and notwithstanding the impurity attached to this outcaste tribe, no questions are asked as to the hands by which they have been made. Here motives of convenience have overcome, as in many other cases, considerations of ceremonial purity. The tree whose leaf is most used by village Mushéras for the manufacture of plates is the dhák (*butea frondosa*). Amongst hill Mushéras the tree most used is the Mahul, whose leaves are larger than those of the dhák or any other tree. The leaves are either hooked together with tiny wooden pegs, or skewered together with leaf stalks or fibre.

4. *The sale of wood for fuel.*—This is practised not only by hill and village Mushéras, but by men of any other tribe or caste, who are driven to eke out a livelihood by such means. The Banraj or Banmánúsh, "king or man of the forest," has, as might be expected, a larger share in the sale of fuel, than any other one tribe that could be named. He cuts or tears the rotten branches or dead stumps of trees with the *gahdála*.

5. *The collection and sale of gum.*—Gum is produced from several kinds of forest trees, to which Mushéras have access; the chief of which are the *Sákhu*, *Kolli*, *Dhan*, *Figan*, *Dhák* or *Palás*, and *ásan*. They make an incision into the trunk, or into a thick bough, with their invaluable tribal tool; and when the gum comes out, it is picked off and sold to druggists.

6. *The sale of the live lizard or goh.*—This is an animal held in great request by house burglars. The catching of this reptile for sale to men of the criminal class is the only instance of an industry practised by Mushéras which is detrimental, and not beneficial, to outside communities. They are not house burglars themselves; nor can they be at all numbered among the criminal classes of Upper India, such as Kanjars, Sansis, Haburas, Bauriyas, Pasis, Chattris and Brahmans. On the contrary, they are noted for their simplicity and inoffensiveness. I am told that the only offence of which they are apt to be guilty at times is theft; and that they make no attempt to conceal their fault or assert their innocence, when brought into a court of justice. They sell the live *goh* to men who ask for it, without enquiring the purpose for which it is wanted, although it can scarcely be supposed that they are ignorant. The *goh* is a lizard, nearly a foot and a half long, whose hide is of a very hard and scaly substance, and whose claws are of extraordinary strength. Nearly half the length of the animal is made up of a long spiral tail. Burglars generally prefer entering a house by the roof, because they are less likely to be seen on a roof than on the ground. It is by means of the *goh* that they can do this noiselessly. The houses in this part of India are flat, and the roofs are made of clay tightly beaten down on a support of poles and branches; the burglar ties a rope round the body of the *goh* and then flings the animal up on to the roof of the house or hut selected for his secret visit. He then begins pulling gradually at the rope; but the more he pulls, the more determinedly does the lizard pull against him. Finally, when he has satisfied himself that the lizard has fixed his claws into the roof tightly enough to bear his weight, he swings himself up by the rope, and commences picking a hole in the roof. By the same rope he descends into the house, to take out what is valuable inside. By this again he reascends on to the roof, and descends again to the ground outside. In these noiseless operations the lizard is an unconscious, but invaluable, accomplice.

7. *The lighting of brick-kilns.*—This is a privilege peculiar to village Mushéras; for no other caste or tribe in India has, or professes to have, any pretension to it. The best analogy that I can think of to such a singular claim is that which Doms have acquired to bringing the wood and the fire by which corpses are burnt on the river banks. Doms, like Mushéras, are and have long been hewers of wood to the upper castes, and through the force of custom, protected by immemorial tradition, they have acquired a right, acknowledged by all classes of Hindus, to provide and sell the wood required for the cremation of corpses, and to exact a fee for the use of the plot of ground

on river banks where the cremation ceremony is performed. Museras have, through a similar cause, preserved the right of putting the first fire to a brick-kiln, and though they have not succeeded to the same extent in maintaining an exclusive right to the providing of the fuel, yet in this, too, they have managed to retain a considerable share. As the wood must have come from some forest or jungle, and as the Musera is believed to be on especially intimate terms with the goddess who presides over forests, it is considered inauspicious to light a brick-kiln without engaging the services of a Musera, who shall perform the wonted sacrifice. When the kiln is ready to be lighted, the Musera is sent for; and on arrival he is provided with a bottle of spirits, a black kid, and some ghee and rice, which are intended as offerings to the forest goddess, Banaspati, but which the forest priest (the Musera or Banmánush) keeps for the most part as his own fee. He abstains from eating salt for at least one whole day before coming to the sacrifice, as salt is believed to be a stimulator of evil passions. * After mumbling a few words in his own Kolarian tongue, or in Hindi, if his own language has been forgotten, he cuts off the kid's head and fixes it on the top of the kiln with a sprinkling of rice and ghee; for it is a common custom among the Kol tribes, as among most other tribes or nations which practise the barbarous rite of animal sacrifice, to offer the head of the animal to the god or goddess to be propitiated, and to put the carcass aside for private consumption.† He then sets fire to the clamp; but the fire which he applies must not be common fire. It must be produced pure and fresh out of the friction of two pieces of wood by the Musera himself—an art in which they and all the other backward tribes in Upper India excel, this being the most simple and the most ancient method of fire-making known to the human race.* For this reason a peculiar sanctity has

* This is a notion, however, which Museras have borrowed from Hindus, among whom the belief is universal and finds expression in a great variety of ways. Mutual borrowing and giving between Brahminical and indigenous tribes is the source out of which Hinduism in its present form has grown.

† On the importance attached to the head of the victim, *vide* Colonel Dalton's *Ethnology of Bengal*, p. 147.

‡ It is practised by the Veddahs of Ceylon—see *Indian Notes and Queries*, June 1887, p. 167. A picture of the man of Tavista making fire by this process is given in "Kilima Njaro Expedition," p. 435. This mode of making fire is regarded with the greatest veneration by Brahmans, and by all classes of Hindus, who have shaped their beliefs and practises on the Brahmanical model. It was treated as a solemn religious rite in Vedic times, and is described in some detail in the *Rig-Veda Samhita* in the hymns addressed to Agni, the Fire god, who never allowed himself to be produced by any

been attached to it. As the flame flashes out, it is caught on some touch-wood brought for the purpose, and applied to the fuel at the different openings of the kiln. When the clamp has been well lighted, the priest of Banaspati returns to his tiny hovel in the forest, taking with him the bottle of spirits, the carcass of the kid, and sometimes a fee in cash, with which he considers himself well repaid for his trouble. I cannot say how far this curious custom extends, but I have traced it in almost all the eastern districts of Oudh. As Hindus have no forest goddess of their own, but are aware that there is one much worshipped and honored by men of the Mushéra tribe, it is probable that the custom exists in all places where Banaspati is known to be worshipped; for the genius of polytheism leads men to fear *all* divinities, those of strangers scarcely less than their own, and in the case of obscure deities—those which are not in fashion among the higher classes of the community—to select the lowest of the people as the best medium for their propitiation. "In a village recently visited by myself," writes Colonel Dalton, "on the borders of Sirguja, I found that all the inhabitants were Khairwars except one family, that of the village pagan priest, who was a Korwa. I have often remarked this peculiarity of the borderers to take as priest the greatest barbarian they could find in the neighbourhood. They argue that the hill people, being the oldest inhabitants, are best acquainted with the habits and peculiarities of the local spirits and are in least peril from them. Besides, they are wholly pagan, while the people on whose behalf they make offerings, having Hindu and Brahmanical tendencies, could only offer a divided allegiance to the sylvan gods, which it might not be safe to tender." This exemplifies very clearly the superstition still observed by many Hindus in employing a wild man of the woods, Banmanush or Mushéra, to propitiate the sylvan goddess and put the first fire to a brick kiln. A great Tháru king named Madan Sen is said to have once made a predatory raid from the foot of the Himalaya mountains, and to have established his rule in the district now known as Gorakhpur; but, though himself a savage and man of the forest, he did not venture to reside in these new conquests without keeping by his side a Mushéra named Rasu, who served as his chief priest for the propitiation of the local deities. (*)

other means. To this day, if a Brahman lights or rekindles a sacred fire which he intends to keep perpetually burning, he invariably produces it as was done 4,000 years ago in Vedic times, by the friction of two pieces of wood. Such Brahmins were called Agni-hotri, and the title has now become hereditary, even among those who have left off keeping fires.

* Colonel Dalton's "Descriptive Ethnology of Bengal," p. 130. Allusions to a similar effect may be seen in pp. 129, 141, 147 and 224. The story of Madan

3. *The watching of fields and crops by night.*—This, like the preceding, is almost a monopoly of Mushéras, and there is the same kind of superstition on the "part of Hindu peasants and proprietors, by which the monopoly is sustained. There was a time when every Indian village was surrounded by forest, and the same phenomenon may still be seen occasionally in the northernmost parts of the northern districts of Upper India. In such villages the lands set apart for agriculture are exposed to attacks from wild boars, and to visitations from the unseen spirits residing in forests,—spirits who can cast a blight upon a crop, or call up a cloud of locusts, or prevent the rain from falling in its season. All cultivation in the plains of India is an encroachment on the primeval forest; and the Mushéra or Banraj, "King of the Forest," is the man best able to propitiate the deities, the sanctity of whose retreat has been invaded by the ploughshare. Many folktales are told in connection with the worship paid to these deities; and the highest castes of Hindus, and even Mussulmans, are ready enough to employ the Mushéra of their village to make offerings of fowls or goats to the unseen beings, on whose favour the productiveness of the fields depends.* So far back as the time of Manu's Code, it was ordained that if any dispute arose as to the boundaries of village lands, the disputants should, in the last resort, abide by the decisions of men living in the forest:—"On failure of neighbours, who were "the original inhabitants of the country, and can be witnesses "with respect to the boundary, the king may hear the evidence "even of the following inhabitants of the forest: hunters, "fowlers, herdsmen, fishermen, root-diggers, snake-catchers, "gleaners, and other foresters."† If we omit the words *fowlers and herdsmen*, there is no one tribe in India to whom the above description is more applicable* than Mushéras—men who, being field-watchers and gleaners by profession, and living in the jungles attached to Indian villages, are likely to be best acquainted with the boundaries of village lands. The Mushéra is held

Sen and Rasu, his Mushéra priest, is told in Buchanan's "Eastern India," vol. II, p. 342. The author of the "Oudh Census Report," 1869, vol. I. p. 102, commenting on the brick kiln privileges retained by Mushéras (which he detected in Gonda only) surmises that "it may be a remnant of proprietary right "in the soil belonging in ages past to this now outcaste tribe." This is a very different explanation from that offered by myself, and appears to me to be rather farfetched. Hindus having no goddess of their own answering to Banaspati have turned to Mushéras. In Vedic, that is, in very ancient times, there was a goddess Aryanani (now totally forgotten), who to the Vedic hermits or sages personified the sense of forest solitude as an aid to pious meditation. Between Aryanani and Banaspati there is therefore nothing in common.

* A good example of such folktales was given in the *Pioneer*, dated 17th November 1885. This folktale belongs to the district of Monghyr.

† Manu's Code, VIII, 259-60.

responsible by the landlord for keeping out intruders of all kinds till the crop is cut, and in return for this service, he gets his stipulated share of the grain heap, after the harvest has been gathered in. His own hut or hamlet is usually in the corner of some patch of dhák jungle running out into the fields like a cape or promontory. Here his opportunities for watching are very favourable; and the service is by universal testimony honestly and faithfully performed.

9. *Field labour and working in indigo factories.*—Such labour is not popular amongst Mushéras, and is seldom resorted to. A writer in the Bengal Census Report of 1872 says: "The Mushéras are very timid, though good workers and steady men. If the slightest pressure is put on them, they will decamp *en masse*, leaving only their huts to show where their residence was. They are much sought after by the indigo-planters as labourers in the factories."* All savages are averse to manual labour, and if such labour must be done at all, it is either thrown upon the women, or forced upon the men by their chiefs.

10. Of the nine specific industries which have now been enumerated, all are practised by Mushéras of the hills, as well as by those of the plains, excepting the three last, *viz.*, the lighting of brickkilns, field-watching, and field-labour. The hill Mushéras have, however, two industries of their own to which those of the plains have no access, *viz.*, the manufacture of katha or catechu, and the rearing of the tussar silk-worm.

The making of catechu.—In the southern districts of the Gangetic plain this is the speciality of Khairwars, Mushéras, and other Kol tribes, as it is of the Binds and Chains in the north.† There are three kinds of trees known to Mushéras from which catechu can be made, *viz.*, the *pális* or *dhák*, the *kankaru*, and the *khairá*. But the khaira is the only tree which is known by Binds and Chains to possess this property. The first two are a secret known only to Mushéras and their neighbours, who find that catechu made of *dhák* has the best sale in the market, and that made of *khair* the least. The skin of the bark is first peeled or scraped off. Then what remains of the bark is chopped up fine with pieces cut from the trunks. The chips are soaked all night in an earthen pitcher. In the morning they are boiled till the water turns red. The chips are then separated from the water, and the water is boiled

* Page 164.

† In South Behar, however, the Chains (as I have heard) are found along the course of the Soan, which rises from Central India; whereas, in the North-Western Provinces and Oudh, Chains are chiefly found along the Gogra and Raptée.

down into a paste, some rice flour being sometimes thrown in to stiffen it. When the decoction has become stiff and dry, it is cut up into little bricks, in which form it is sold to the general public. Catechu is chewed all over India with pan and betel leaf, and is much valued for its astringent properties. It is also an important drug in European pharmacy. The process by which catechu is prepared by the savages of India from the chips of the khair and other trees, is very similar to that by which the indigenous tribes of North America learnt to prepare sugar from the maple.

II. *The rearing of the tussar silk-worm.*—This is an industry of the first importance,—far more important, in fact, to the world at large than any that has yet been named. For though the wild silk produced by the tussar worm is not equal in fineness to that produced by the mulberry worm, on whose rearing so much cost and skilled labour are expended, yet it is beginning to be more and more sought after in the European market. So far as I can learn from enquiries made, it is only in the hills of Central India that the tussar worms are reared, and only by the indigenous tribes inhabiting these hills. Mushéras are certainly one of the tribes which take an active part in this industry. The native name in Mirzapur for the tussar cocoon is *kusewari* or *kusari*, which appears to be an abridged form of the Mahratta name, *kolisurra*. In the month of September, (or what answers to the Indian month of Kuār) the cocoons are picked from the trees, on which the worms had been placed some four or five months previously, that is, in May (Jaith). The strongest looking cocoons are reserved for the next crop, and the rest are sold for silk. Those reserved for the next crop are placed securely in an earthen jar, the mouth of which is firmly closed up with clay. In this state they remain till the hottest days of May, or for a period of about eight months. On the day selected for opening the jar, two poles are fixed upright in the ground at some distance apart, and are connected together at the top by a rope. After sunset, the cocoons are hung in a line on this rope. By about midnight, or as soon as the air has had time to cool to some extent, the moths break their shell, and the males attach themselves to the females, in which state they continue till after sunrise next morning. When the sun is well up, the males begin to detach themselves, and as fast as they do so, the Mushéra picks the females off the rope, and places them on a piece of ground purified with river water for the purpose. By midday, when the heat has become intense, the females begin laying their little white eggs, which are about one-tenth of an inch long, with a diameter of rather a shorter length, so as to form an oval. Each female lays from a hundred to two hundred eggs, after which she

dies. About three days after they have been laid, the eggs burst into small white worms or caterpillars, like pieces of thread. The Musera feeds these with picked leaves, until they have changed colour from white to green. When the change of colour is complete, the worms are distributed with great care among the leaves of the trees selected for the purpose. The worm is called *benga*, and the process of sowing or placing them is called *benga lagana*. The worms remain on the tree till the cocoon is fully formed, that is, till September, when the cocoons are picked, and the same process is repeated over again. The great advantage of the tussar silkworm is that it will feed indiscriminately on the *asan*, *siddh*, and *dhan* in the hills; and on the mulberry in the plains. In Central India the *asan* is the tree preferred by the indigenous tribes engaged in this industry. It grows wild and in abundance in the Mirzapur hills; but, I believe, is not found in the Indian plains.

Those who wear the silk manufactured from the tussar cocoon have no idea of the sentiments of awe with which the worm is reared by the indigenous tribes of Central India. One man is specially selected by the house or hamlet for distributing or planting out the worms. This man goes through the ceremony of bathing in a river before he commences to place them, and while he is placing them he repeats a prayer to Banaspati, the words of which in the Musera language are as follows:—*Didhali Banaspati hit chimlo samri takri amra amra kudi boglo thambho cherori*. (O mother Banaspati, behold thou this worm; protecting the cocoon, give food to thy servant). Until the cocoon is formed and fit to be picked, the man takes no food cooked by any one but himself. He associates with no other person, not even with his wife. He makes daily worship to Banaspati, and mutters the prayer already quoted, on the frequent repetition of which the growth of the cocoon is believed to depend. When the cocoons are fit to be picked, he performs a special act of worship to Banaspati, and no one is allowed to take a cocoon off the tree until he has picked some himself and given permission to others. The picking is then commenced in earnest by the whole family or hamlet, and from this day he is free to associate with his brethren.

The fibres of the cocoon are so closely matted together as to constitute a hard shell, which at first sight looks more like wood than a mass of silk fibre. There is a proverb that a man who voluntarily involves himself in inextricable difficulties is like the kolisurra shut up in its own cell. The strength of the fibre or filament is such, that a single thread will support a weight of 198 grains. The animal can remain in the pupa state

for an indefinite period, varying from three months to two years. It is converted into a moth while yet in its cocoon, and liberates itself by discharging from its mouth a liquor, which dissolves or loosens that part of the cocoon adjoining the cord by which it is attached to the branch, thus making a hole and admitting of the passage of the moth. The solvent property of the liquid is very remarkable; for that of the cocoon against which it is directed, although previously as hard as a piece of wood, becomes as soft and pervious as wetted brown paper.*

The tussar silkworm is found along the whole width of the Indian continent, from the Bay of Bengal to the Arabian Gulf; and the name "kolisurra" is perhaps derived from the Kol or Koli tribes, who take such a prominent part in rearing it. The question has lately been raised by men interested in the trade as to how the production of tussar silk might be extended.† Its extension, one would think, might be safely left to the wild tribes of Central India, who have reared the wild silk worm with so much success already, and who have been provided by nature with unlimited means for feeding it. The only bar to the natural expansion of this industry would be the destruction of the forest. Given the forest, there are worms willing to be fed, and hands willing to feed them. It is the most remunerative industry in which Mushéras and the other hill tribes are engaged; and above all, it enjoys the protection of the forest goddess, Banaspati or Bansatti, whom they regard as the greatest power in the universe.

(To be continued.)

JOHN C. NESFIELD.

* This account of the cocoon and fibre of the tussar silkworm has been taken from a paper by Mr. W. H. Sykes, published in *Transactions of the Royal Asiatic Society*, Vol. III, No. XXXV. All that precedes, regarding the methods used by Mushéras, &c., and the superstitious rites performed in using them, is original, the result of personal observations; and this is the first time that these facts have been brought to light.

† The subject is discussed by Mr. T. T. Peep, in the *Journal for the Society of Arts*, 7th January 1886. He there argues, as against Mr. Cunliffe Lister, that the best means to the extension of the industry is that suggested in the text, *viz.*, to leave things as they are.

ART. II.—SUGGESTIONS FOR A REFORMATION.

IN this self-satisfied jubilistic end of the nineteenth century one hears a good deal about the New India that is being evolved out of Shakespeare, the musical glasses, and the shibboleth of "progress." New India is held to mean graduates of the Calcutta University, who devote their energies to stump oratory instead of shop-keeping and who assume that Calcutta is India.

It occurs to me in this melancholy crisis of New India's affairs to put forward a suggestion, which, if acted upon, which would surely result in the most wholesome reform for the Bengalee body politic that has been heard of since the days of Rajah Rammohun Roy. A reformation it ought to be called rather than a reform. A reformation of the monks and monasteries of the East that are now vigourously helping with their shamelessness in ill-doing, and their irreligion, to destroy the faith and the morality of the people in whose midst they are set.

Throughout the provinces administered by the Lieutenant-Governor of Bengal, monasteries and Mohunts are now-a-days anomalies; either effete survivals from a primitive well-doing, or actively unhealthy, mischief generating sores that afflict New India in spite of its brand newness, and its rushes for reform. They do not, any of them, carry on those good works for the conduct of which they were called into being, and endowed, and for the pious and proper upkeeping of which they have, since that time, accepted gifts and bequests and levied such tithes as they have had lattials enough in their pay to enable them to. Modern Mohunts are not examples of holy living, fit guardians of religious faiths and mysteries, scholars, patrons of learning, helpers of the poor and needy. They do not further the well-being of the people amongst whom they live in any of the ways for which the money they spend was originally devised. Very few of them make pretence even of fulfilling this implied contract. The Anglo-Indian, who has lived in the mofussil for a year or two, with his eyes and ears open, is not likely to think that they do. Even for men quite innocent of mofussil experiences, and unable to understand a dozen words in the vernacular; for town abiding skimmers of newspapers, a temple veil is now and again lifted, and they see the manner of life led by a Mohunt of Tarkhessur, or by that other Hindoo lord spiritual

in Orissa, who, a few years ago, made himself notorious in connection with one of the most filthily cruel murders ever made subject-matter for a Police Court record. It may be urged that these are temple scandals too exceptional for legitimate use, as what teatollers call dreadful examples. That is possible, of course. But I, for my part, am of opinion that there can be very few District Magistrates and District Superintendents of Police in Bengal and Behar who do not know the monastic premises lying within their jurisdiction for hotbeds of lust, lawlessness, and oppression: Therefore the crowd of pimps, parasites, lattials, budmashes of sorts, frequenting them. It is upon such scum that Mohunts spend the money intended for almsgivings to the poor. As to their other duties, how many of them are able to read the sacred books of their own religion, and decently, and in order, to solemnize its rites and ceremonies? A few years ago a Mohunt in Behar killed himself with brandy and whiskey; and all the neighbourhood knew that he did. His successor, a Brahman even as he was, is a young man who wears clothes of English cut, is owner of a racing mare, and plumes himself on his abilities as a jockey over a flat course. Sometimes he amuses himself by shooting paddy birds, or hunting and killing jackals; takings of animal life in no wise consecrated to any religious use. Does any man, with even elementary knowledge of Hindoo habits of thought, and views as to priestly orthodoxy, suppose that the religious prejudices of Hindoos would be outraged by the disestablishment of an unorthodox priest, who thus profanes the sanctity that should pertain to his office? Does not the fact that his scandalous habit of life is passively tolerated by the Hindoos he lives amongst, point to a supine condition of religious feeling on their part that would just as nonchalantly acquiesce in a dissolution of monasteries, even if it had not energy enough to rejoice at seeing a period put to their ostentation of selfish, shameless indifference to religion?

By dint of what I have seen in different parts of Bengal and Behar, of much that I have heard as to the bent of popular feeling in other parts with regard to Brahmanism† and Mohunts, and their vested interests, I am led to the conclusion that, whether avowedly or covertly, throughout Bengal and

* Sir T. Madava Rao wrote to the *Madras Mail* not long ago urging his countrymen to devise some scheme by means of which "the priests and the pundits may be enabled to learn as much at least as a boy of ten years of age attending a regular school is familiar with."

† A year or two ago I knew personally a Brahman who was proprietor of a shop for the sale of tinned meats, beef, pork, mutton, fowl, duck, &c.

Behar, un-Brahman like Brahmans, Mohunts, and Monasteries stink in the nostrils of thoughtful Hindoos, who are neither directly or indirectly interested from a rupee, anna, and pice point of view, in their maintenance. I deem therefore that if a summary reformation on the lines laid down by King Henry the VIII. commended itself to the local Government as a remedy for scandalous abuses and mischiefs, no very formidable difficulties need be reckoned with in giving it practical effect. With reference to the morality of such procedure, of course an English nineteenth century Government would act conscientiously, on lines undreamt of in the England of the Tudors, and would be careful not to make disestablishment an excuse for confiscation. The people of India know well enough that the Company Bahadour, as they call the Government, can be trusted not to deal unfairly.

For the rest, there would be very few difficulties put in the way of the Reformation, provided the Government showed unmistakably that what it said it would do, it fully meant to. Provided, moreover, that an English House of Commons, ignorant of Indian affairs, and impressionable about them, were not moved to adverse action by petitions of the three tailors of Tooley Street kind, purporting to emanate from—"We, the people of Bengal:" Petitions beseeching Parliament to save the Mohunts from ruin, and the petitioners from despair and the nethermost hell. Even so, however, although such an untoward interference might, perhaps, if well nursed and promoted, delay the reformation for a few years, yet, given real effort for it on the part of reformers, and given moreover a local Government—Secretariat tradition that is to say—steadfastly bent on effecting it, then, sooner or later, effected it must be. Was not the Bengal Tenancy Bill we saw but lately made into law to all intents and purposes hatched in the Secretariat in Sir George Campbell's time? Everything comes to the man who waits.

When authority is granted for the disestablishment of Mohunts, and an adjustment of temple endowments to legitimate uses, opposition may be expected on the part of the tag-rag and bob-tail, the pack of hungry pimps and parasites referred to a little while ago as battenning on temple treasuries. Through them and hired agitators of their ilk previously unattached misappropriators of temple revenues and hoards would probably begin their fight against authority, striving to make it wear the semblance of popular disaffection with Government's decree. It is possible that, in parts of the country, for a month or two, the Police would have to deal with a very large number of cases of arson, fouzdarries, and disturbances of the public peace. I take it however that the local police, if intelligently officered and properly supported by the local magistracy, would prove

equal to the occasion. Where necessary, if ever necessary, the local police force could easily enough be temporarily reinforced. But if local Magistrates were firm, and did their duty, I do not think any extraneous aid would be necessary. Less than half a dozen budzats made salutary examples of, would suffice for the maintenance of a reign of law.

Although less alarming at first sight than budzats, contrived outbreaks and mischiefs, a far more troublesome series of contentions would have to be fought out probably with Civil Court Vakeels, Mookteahs, and a venal Amla. These would, to great extent, hinge upon "obstruction," longwinded quibbles, fossil technicalities, appeals manifold, arguments on the mediæval schoolmen model, with the requisite number of angels dancing on a sacerdotal needle point. Mohunts' cases would always be able to secure a sufficient backing up of perjury and forgery; and the witnesses supporting them would be well drilled. But, with judicious management on the part of the opposition, this self-same backing up, this studied botching, might be converted unto the weakest, most vulnerable joint in the Mookteah armoury. Fabricators of Indian false evidence can seldom resist the temptation to make their case too strong, to prove too much. It breaks down usually because the intelligence of the witnesses employed seldom equals their unscrupulousness. They cannot, having told their lie, hold fast to it through bewilderment of cross-examination, or suave incitations to loquacity. No amount of previous drill will teach them to remember at the right moment, when they are under stress of counsel's inquisition, the points in their evidence their drill-masters have been most careful about. A Barrister, with quite ordinary aptitude for his work, ought not to be troubled overmuch in turning them inside out, and converting to the benefit of his employer their manifest contradictions and flounderings of speech. Forgery again, as well as perjury, is an edged tool, far from safe to handle. and in Mofussil Bengal and Behar, more frequently manipulated by clumsy tyros than skilled masters of the art. Many people, who are in a position to appraise its worth from a Mookteah point of view, consider it, in the long run, a much less effective weapon for kutcherry warfare than perjury; if only because it is less likely to impose upon High Court Appellate Judges.

In short, although difficulties in the Civil Courts must be looked for as a result of disestablishing Mohunts, and interfering with their vested interests, they need by no means prove insuperable difficulties. Certainly, anticipation of them ought not to be allowed to stand in the way of a dissolution of monasteries, if, after all the pros and cons have been considered, such a measure of reform should commend itself to the approval of the Government—of responsible holders of a stewardship, that is

to say ; men in duty bound to administer its affairs righteously. Bound not to shirk any administrative responsibility, because of authority vested them as rulers over a people for the most part incapable of articulate opinion of their own. From this it follows, only too often, that an aggressive, very small minority assumes to represent these silent millions ; and unhappily, it never finds itself at a loss for such a fluent " power of words," as English people are prone to construe into expressions of popular opinion. Thereanent, it is well to remember that in the East, now as always, " the shepherd goes before, and the sheep follow after."

The shibboleth " Precedent" goes a long way towards reconciling the most conservative of Englishmen to a policy of seemingly a new character and complexion to what he has grown accustomed to. Of precedents for a dissolution of monasteries in Bengal and Behar, there is no lack, whether we seek them on pages of Indian history, or whether as subjects of the Queen-Empress of England and India we turn for them to the British Isles and the course of legislation there, as exemplified of late years in the Irish Church Bill, and aforesime in King Henry the VIII decrees, doing away with the vested interests of abbots and monks, and convent chapters of all descriptions, and converting church properties to secular uses. Many centuries ago in India, Buddhist temples were disestablished, and their endowments appropriated by Brahmans. Brahmans in their turn have had to surrender into the hands of Mahomedan spoilers, and for the benefit of Mahomedan Mollahs, properties that once upon a time used to support Hindu fanes. Strict Musalmans say that English rulers of Hindostan have alienated from them control over the disposal of money that pious men had devised by will for strictly religious uses, and that they have applied the money to prosecution of quite secular ends. What is known as the Mahomed Mohsin Fund for instance is, they protest, money which by his last will and testament, Mahomed Mohsin devised and devoted to " works for the glory of God ;" and they hold that to expend it on the upkeep of the Madrissa College, however worthy of encouragement as a secular institution that college may be, is a flagrant misappropriation. A few years ago, in his book, " The Indian Musalmans : are they bound in conscience to rebel against the Queen," Dr. W. W. Hunter drew public attention to what he, and men who regard the subject from the same point of view he does, look upon as another misappropriation. Referring to the Hugly College, he charged the British Government with having " devoted an estate left expressly for the pious uses of Islam, to founding an institution subversive in its very nature of the principles of Islam, and from which the Mahomedans were practically excluded." We are aware

that Mr. Roper Lethbridge, in the *Calcutta Review*, disputed Dr. Hunter's position, and called his verdict in question ; but we do not think he refuted the charge.

Institutions that are much more germane to, far more closely connected with, the Hindu religion than Mohunts and monasteries are, Anglo-Indian rulers of the country have not failed to suppress, on due cause being shown for suppression. They put down with strong determined hand the venerated habit of Suttee, the practice of Churruck Puja swingings, of female infanticide, of human sacrifices. Under tutelage of their police, Jaganath Jee's car is now-a-days conducted on its progresses in such a way that men can neither immolate themselves, or be immolated, under its bloodthirsty wheels. Nay, then, with a much-to-be-commended regard for decency, have they not decreed that Fakirs shall on no pretence whatsoever be allowed to appear in places of public resort absolutely naked ? Since they have been able to swallow quite comfortably such a camel of disregard for precedent as that, how can they justify straining at what is, by comparison, such an attenuated little gnat as the dissolution of monasteries ? "Do good, and throw it into the sea. If the fishes do not know of it, God will." That is a scrap of proverbial philosophy to which Turkish parentage is ascribed. There is a certain fitness in the affiliation ; for the adage gives expression to just the sort of lazy selfishness, just such ingenuous fondness for inutility as might be expected from such a source. We suspect, however, that its topsy-turvey Phariseism appertains to an older generation of men than the Turks ; is the outcome of ideas born in some lost land much nearer touch of primeval times than the erewhile Bythinian villages whence they migrated to Europe. Very likely it was not at first formulated in the precise words we have given above : but depend upon it, in some word vestment or other, it had currency amongst men at a very early period of their history. There clings to it a smug sectarian flavour that must always have commended itself to the sort of man who is given to posing before moral looking glasses of his own making, and to self-satisfied exaltation of the horn of righteousness he can see reflected in them. When the world was young, depend upon it there were proportionally just as many men of this kidney to be met with as there are in our own times. By the way, Mr. Sherring, in his book on Hindu tribes and castes, refers to an existing sect of Vaishnavas ; known as Nirmali, who devote every opportunity they can command to the one purpose of keeping their persons clean. They bathe as often as they can ; and make a point of washing their hands at least one hundred and eight times daily. Although they do not separate themselves from their families, yet will they not, with finger point even, touch their

own children, lest in doing so they should be defiled. With them cleanliness is not next to godliness: it *is* godliness, and their special horn of righteousness.

There always have been like-minded people in the world, and in ancient times their self-centred, selfish habit of mind often developed into craving for hermit life; a rude hut in the wilderness, a damp cave, the top of a pillar; any particularly uncomfortable place where they might, without risk of interruption, mortify their fleshly appetites, feel thankful that they were not as other men, and dream out their own salvation on lines of their own choosing. That it might in a manly way be worked out quite as effectually is an idea that never seems to have occurred to them. Like Buddha Gaudama they must needs repudiate the claims of wife and child to their regard and protecting care, ignore every duty owed to society and the State, become deaf to every call of humanity, every virtue not rooted and grounded on selfishness. When it began to be the fashion for religious men to seclude themselves and live apart from their fellows, there was no very great breadth of difference between the manner of life adopted by desert and cave dwelling devotees, and mortifiers of the world, the flesh, and the devil, who were, perhaps, a little more comfortably lodged in monasteries. In time, however, these became somewhat less austere in their rules for the conduct of life, somewhat less self-centred and selfish than hermits. They could feel sorry for the sins and sorrows of men and women living beyond the pale of their conventual walls; were able sometimes to sympathize with them in times of trouble and interludes of gladness, and to exert themselves to be helpful to their neighbours. In one way and another, indeed, as time went on, many of them in their day and generation did no small amount of good work for the world. As the Count de Montalembert has suggested in his book. "The monks of the West from St. Benedict to St. Bernard" those monks proclaimed—for Christian Europe at any rate—a gospel of universal brotherhood. Certainly, as far as it went, a more liberal sentiment towards humanity than the narrow, pagan sort of patriotism, which regards every foreigner as a legitimate object of hostility or suspicion. Monks frequently in the middle ages made themselves champions of popular rights and privileges. In those days, when inns were scarce, and not very safe resting-places either, the gates of a monastery would always open to travellers and strangers, for whom hospitable entertainment was provided. The Benedictines founded the Universities of Oxford, Cambridge, and Paris, and the Medical School of Salerno. Monks were the only schoolmasters of their day and generation; almost the only authors; certainly, the best architects and

builders. Some of them surely deserve to be well spoken of amongst men. It is true that many of them were mischievously superstitious and intolerant ; others grossly ignorant, lazy, unscrupulous ; slaves to carnal appetites. Yet, even so, there is left for our regard substantial complement of righteousness and eternal verity ; of justice done, because of their mediation, and insistence of protest against the evil doings of the mighty ; above all, of the charity that covers a multitude of sins.

Taking the word charity in its most limited sense, for the sake of pointing a moral, with it, it is noteworthy that in England, as long as monasteries endured, there were no poor laws, or rates. None were needful. And all over Europe, monasteries were in effect model farms, agricultural colleges, industrial schools, profitable to their neighbourhoods for helpfulness as well as example. Many a jungle of scrub brushwood did the monks clear, many a pestilent morass drain and convert into arable soil, and grow wheat on. They built houses, planted vineyards and orchards, bred the best cattle of any agriculturists of their time. In their day and generation, in short, they did sundry good works in and for the world. They did not do enough ; did not continue in well-doing ; in time fell away grievously from traditions of helpful righteousness, even as did the Church to which they were affiliated. Until justice overtook them, and dissolution.

Where is there record of any good work whatsoever done for the world, for humanity, for charity's sake, for learning's sake, because of Mohunts and their monasteries in Bengal, Behar and Orissa ?

Crying over spilt milk is an expenditure of energy which severely utilitarian theorists consider wasteful, and are apt to look upon with contempt. We are fain nevertheless to lament that more advantage was not taken of the Famine of 1874 for reforms and improvements on the previously existing condition of affairs in Bengal and Behar. Especially in Northern Behar, in connection with the remedy of abuses advocated in this writing. As to how far Sir Richard Temple invented or exaggerated the tale of famine that went up from other parts of the land, we are not presently concerned to determine. But in Northern Behar, in what is now known as the Durbungah District, in parts of Bhagalpur and Purneah, in the Sitamarhi sub-division in northern Tirhut, in Champaran ; throughout vast stretches of country where very little rubbee is cultivated, and where the people are altogether dependent on the rice crop for support, there was famine, grim and absolute. For people living from hand to mouth as the bulk of a population must, when it runs to such figures as 7, 8, or 9 hundred on a square mile of acreage, there *can* be nothing but famine

when that one crop fails utterly—as it did in 1873-74. Subdivisional officers in Northern Behar, at the time we are writing of, were able to see plainly enough that this inevitable result was gradually advancing; and betimes they reported accordingly. The scandal of the Orissa famine, the memory of the indignant outcry made in England over official apathy with regard to it, were experiences fresh in the minds of Anglo-Indians set in authority. Wherefore, after a due amount of reporting, and clerklly correspondence, and pooh-poohing had been got through in routine order, intimation was sent to district officers that they were to take the necessary steps for relief of the destitute, and to organize workable systems of Famine Relief for their respective districts. Furthermore, they were told that they would be held responsible for any deaths from starvation allowed to occur in the said districts.

Soon after these orders had been issued, we happened to be chatting with a Sub-divisional Officer, when the native doctor attached to a local hospital came up, and, amongst other items of departmental business, reported a death from starvation.

"You must be mistaken, Babu," said the Sub-divisional Officer promptly; and the Babu discovered that he was; and not to make a long story of it, no deaths from starvation were officially reported from that, or (to the best of our recollection) from any other Sub division in Northern Behar. But for all that, natives in Northern Behar knew well enough that their fellows did die of starvation before the Famine Relief campaign was organized, and could be brought to bear on a demoralized society; knew well enough, moreover, that all, except the very rich amongst them, must have died of starvation but for the Government's care and expenditure of money.

These people, who had been face to face with death, who had seen their fellows die of hunger, who in their despair were abandoning their own children, would have been willing enough then to make sacrifice, even of their prejudices, as a thanksgiving offering to the Power that saved them from desolation and death.

We cannot help thinking it a pity that the sacrifice of Mohunts and monasteries was not required of them. The famine proved a blessing to Behar in many ways; and some of its outcomes for good are very manifest. Districts that were unwieldy have been divided and sub-divided; have so been brought within more manageable magisterial purview than they were before; and so, for many a miserably poor, hand to mouth living peasant, the right to claim his own and to get justice done him, has become a possibility instead of a day dream, a far off, hazy indistinctness, unknown and unknowable as heaven.

Policemen in Behar are less predatory, are obliged to conform more nearly to accepted standards of civilized humanity than they were twelve years ago. Bridged roads, and narrow gauge railways, have been spread all over the province, and, to use the cant phrase, are developing the resources of the country. That is good; but it is better, to our thinking, to find that in many parts of the country they have been indirectly the means of developing the field labourers daily wage to a fair rate. Schools, too, have been established where none were before, and it has been found possible to locate hospitals, dispensaries, and native doctors beyond the boundaries of civil stations and Sub-divisional Kutcherry compounds.

Morally, to a great extent as well as materially, the whole condition of the peasantry of Behar has been revolutionized since 1874: out of the evil of famine much good has been born for the province. One good work, however, has been left undone, a work that urgently needed doing, that might easily enough have been hammered out of opportunity, whilst yet its iron was hot, whilst remembrance of a calamity escaped was still fresh in men's minds. A dissolution of local Mohunts and monasteries to wit, by way of preamble to a more wholesale disestablishment. The time was ripe; the fruit ready to fall; the people quite willing to hasten the falling. They were disgusted, and more than disgusted with the memory of what had been; with the selfishness and inhumanity of fat monks, whose well-stored granaries at the beginning of their time of sore trial, met their famished gaze on all sides; but were never opened either for charitable distribution, or the sale of grain. They remembered how, when they were starving, they had reflected in bitterness of spirit that those hoards were the result of *their* sowings, *their* harvestings, accumulation of *their* temple gifts in previous, more prosperous years; and they remembered how hunger had pinched them, driven them to extremities, how they had set on fire and looted sundry priestly stores of grain before relief operations were commenced. It is certain that, if those relief operations had been much longer delayed, incendiarism and looting would have been general instead of partial; that a dissolution of monasteries in Behar would have been practically decreed and carried into effect by the people themselves. We cannot help regretting that it was not thus carried into effect by dint of unmistakable expression of popular will.

Enough of "spilt milk." Let us turn to another proverb; the one which suggests that it is never too late to mend. We have endeavoured to show that such difficulties as stand in the way of the iconoclasm advocated in this writing are neither so substantial, or so formidable as at first sight they seem to be.

They need no more be feared, really than the chained lions that barred the way to the Palace Beautiful, as Christian in the *Pilgrim's Progress* faint-heartedly supposed. Dissolution of Indian monasteries, be it remembered, by no means involves dissolution or desecration of shrines and holy places. Let provision be made by all means for their proper upkeep and service. But let their neighbourhood be made clean, their walls freed from the parasites now busied in undermining their foundations.

Not a few pious Hindus would, in their hearts at any rate, even if not with approving voices too, rejoice to see such work of clearance undertaken. The Brahmo movement, whether considered as outside the Hindu religious pale, or within it, and in spite of Babu Keshub Chunder Sen's latter day lapses, and the dissensions and fallings away from the Somaj thereby engendered, has yet great significance in the way of a protest against religious abuses and priestly corruptions. Also in the light of a protest against priestcraft and its overlayings on primitive religion must we regard the atheism and other isms of which profession is made, during the days of their early manhood, by many natives who have received an English education. Their point of departure is far removed from Brahmo reasons for secession from the low level Hinduism of the day; but none the less is that departure a protest. As Mr. Sherring says in his very fair dealing book about Hindu tribes and castes, "education and other influences are treating the Brahman roughly." Again, "The Brahman has lived his day." Mr. Sherring wrote his book quite twelve years ago. Since then the power of the national priesthood has further declined, and received sundry shrewd pushes on the downward path. Now and again, it is true, there is flourish of trumpets in certain quarters over a Hindu religious revival, just as Mahomedan Mollahs every now and again boast of the numerous conversions they are making to the faith of Islam, and just as Salvation Army enthusiasts every now and again wax jubilant, in their own peculiar fashion, over Indian captives to Salvationist tambourines and trombones.

There have been at least a score of religious revivals in England during the last half century, and their effects have been about as lasting as the froth from a like number of bottles of soda water. We may as well confess that we do not expect any appreciable effect to follow the noise made in esoteric coteries about this last announced Hindu one. Even in the unlikely event of its turning out to be not an ugly duckling like all the rest of the brood, but an immortal swan, still and nevertheless any possible future development of that sort should on no account be allowed to stand in the way of such action as it is proper for the Bengal Government to take *now*, in its own time.

with regard to Mohunts and their monasteries. Monastic establishments and abuses are not necessary adjuncts to, neither part or parcel of the Hindu religion, or the worship of any Hindu recognized divinity.

The connection that has been allowed to grow up between them and religion is altogether of monkish invention—artificial, pestilent, in need of a Health Officer's overhauling. As we have said before, let the shrines and holy places that have become connected with them be respected by all means: take care that a due income is appropriated to their maintenance, that provision is made for adequate temple service. But as for the monasteries that impudently pretend to relationship with the temple, and that are a scandal and a reproach to it, and to all the country side they help to poison, let them be done away with, for they are past help or hope from purging or praying for.

That respectable authority, Mrs. Glasse, says that if you want to make hare soup, it is expedient first to catch your hare. After the caption has been effected, there will remain at your disposal ample time for consideration as to the best way of cooking the reward of your nimble virtue, the way most compatible with the exigencies of your kitchen stove, or your lack of stove. Adapting the prudent spirit of her advice to our subject, we would suggest that, when the Bengal Government has got hold of funds that have been misappropriated by Mohunts, it will be time enough to determine what to do with them. The value of the property thus acquired for the public would have to be estimated; its description enquired into and scheduled; its fitness for application to such and such uses gauged and discussed in a spirit of accord with the result of the estimates and enquiries made. In the matter of ultimate disposal, much would depend probably upon local need and circumstance, much upon chance or quasi-chance expressions of supposed popular wish.

Suggestions by the score would be forthcoming, we may make sure. We may be allowed to suggest, for our part, that aids to poor scholars, and encouragements of high education, embodied in endowments of some sort, strike us as very suitable to the occasion, and likely withal to meet with real popular approval. Hospitals for the sick and infirm, and rest-houses for travellers, would also seem worthy and appropriate objects for a return of conscience money to. Such really charitable dispositions of temple property of all sorts as are acceptable to natives might participate as far as the money would go. Arguments in favour of expenditure on model farms could easily be found by people who believe in such aids to agriculture, or in support of the establishment of local famine insurance funds, construction of tanks, embankments, roads, and any other

public works of general utility. In short, there need be no difficulty about the virtuous disposal of any funds that might be available : and we have endeavoured to show that there need be no insuperable difficulties met with in carrying out any part of the programme hereinbefore outlined.

By way of sop to Cerberus, let such figment of English Church Establishment as exists in Bengal be disestablished and done away with at the same time as the Bengal Mohunts and their monasteries. Tommy Atkins will not mind ; and his is the only class likely to be verily and indeed affected by such upsetting of the existent establishment. Churchmen residing in our large towns can, as a rule, very well afford to pay for such priestly ministrations as they stand in need of ; and under the circumstances they certainly ought to. The additional Clergy Society, and Missionaries, already minister to the religious wants of most of the smaller mofussil stations as far as Established Church requirements go. *Apropos*, we have not got the Census Returns at hand to refer to ; but we certainly incline to think that, in the Bengal Presidency, Dissenters and Roman Catholics considerably outnumber members of the Anglican Communion. The Roman Catholic Church has already been disestablished. Dissenters have disestablished themselves, pay their own way, and never tire of reproaches on the connection that in their non-conformist midst is allowed to subsist between the State and its Chaplains, and to afflict them with its unregeneracy. It seems a pity that so small a matter should be occasion for so much bitterness. The Government would be doing a graceful act in removing it, and the handle it affords fussy people for hanging a grievance to.

J. H.

ART. III.—EDUCATIONAL REFORM IN BENGAL.

A REFORM of our Educational system is impending. It is certainly needed. Within the last quarter of a century, the progress of Natural Science has caused quite a revolution in the industrial world. All the important manufacturing industries are now conducted under scientific direction; the day of mere manual skill is gone by. India has felt it. Her manufactures are on the point of extinction. The problem is, how are they to be revived? The old methods have been found to fail. They will certainly not do. The newest methods and processes must be adopted; and they are based on a knowledge of Science.

Apart from its direct and indirect application to the industries, the necessity of the cultivation of Natural Science as a mode of culture is now beyond dispute. Hence it occupies an important place in the Educational system of the most advanced countries of the day; nay, it has to a large extent superseded the old classical education. The Calcutta University, which by means of its examination has hitherto controlled and directed the education of nearly the whole of Northern India, has latterly been trying to march in the path of progress, but in a half-hearted way. The result, as a consequence, is highly unsatisfactory; the advance made is very slight. The Science courses prescribed by the University are a sort of compromise between Science and Literature. Practical test, the most important feature of a Science examination, is entirely ignored by it. The University is well aware of this weakness, as it has not, with commendable caution, ventured to institute a degree in Science. But this state of things cannot continue long. It must be improved. But how? The question is a most difficult one. That the scientific education at present imparted is very defective; that the University system of examination is far from what it should be; that, in short, reforms are needed, are propositions which few will not assent to. Nevertheless, but few schemes for improvement have been brought forward. And of these few, the one recently put forward* by Messrs. Eliot and Pedler deserve our most earnest consideration, as coming from men of considerable educational experience, and high scientific attainments. The scheme in question combines scientific and technical education in such a manner that a high degree of excellence would be attainable in both by students desiring it, and is therefore specially commendable.

* *A Note on the establishment of a Teaching University: Calcutta, 1887.*

The subject of technical education attracted considerable attention a short time back. A very comprehensive Memorandum on it was published by the Home Department of the Government of India. It formed the subject of a lecture by Mr. H. J. S. Cotton at the Bethune Society. It furnished a theme for Sir William Hunter's Convocation speech. The urgent need of technical education was also pressed by him at the Town Hall meeting for the inauguration of the Jubilee Fund. The National Congress, the Indian Association and other political bodies took up the subject. It was widely discussed in the press. There was a cry for it throughout the country. A handsome amount was voted by the Calcutta Municipality for it ; and there was a talk that the Jubilee Fund was to be devoted to it. But no action has yet been taken on this side of India, and there yet appears to be no sign of it. This inaction, however, is not unaccountable ; nor is it to be wholly regretted. Whatever be the scheme adopted by Government it should be a well considered one. Amidst all the agitation for technical education, there is very little agreement as to what its requirements in this country are, and what its scope should be ; indeed, we believe neither is often quite understood. There are some whose idea of technical education does not soar beyond such handicrafts as carpentry, tailoring, &c. Others there are who want art-work. A third class, more aspiring, wishes for the large manufacturing industries. Not a little confusion is frequently caused by jumbling all these up. It behoves us, therefore, to see what it is that the country more particularly requires. We are disposed to think there is not much room for expansion in the petty industries, such as carpentry, tailoring, shoemaking, &c. It is not the making up of cloth or leather, but the manufacture of cloth or leather that is more particularly wanted in this country. Few people are in a position to use made up clothes at all, far less clothes of fine cut or nice fit, or boots and shoes of approved shape and fashionable make. Of furniture of any kind there is but little demand. Our wants in these directions are extremely limited ; and they are, we think, well enough supplied at present. Besides, such technical training as is needed for the handicrafts could, we believe, be best obtained at the existing shops. Whatever field there is for enterprise in them is being occupied as is evidenced by the tailors' shops of Chitpore Road, and the cabinet-ware shops of Bowbazar. Nevertheless there can be no question that our working men will work more intelligently if they receive general elementary education, drawing being one of the subjects. A slight expansion of the primary school system will serve this purpose.

With regard to art work, the existing Art schools are probably

quite sufficient to meet all our present requirements. The fate of Indian art is doomed. Any attempt to revive it is destined to fail. The demand for it is daily decreasing, and will continue to decrease as the price of labour rises. In these days of cheap imitation things, genuine art productions, requiring a vast amount of labour, are not likely to hold their own.

Cheap cloth, cheap iron, cheap paper, in short, cheap necessities of life are what we want; and these will, therefore, command a large sale. It is the larger industries involving scientific methods and appliances, such as cotton manufacture, iron-smelting, paper making, &c., which are most likely to develop the resources of the country and make it rich, and which are therefore specially needed. With raw materials in abundance and labour cheap, there is every reason to expect that these manufactures will be remunerative. Mr. F. J. E. Spring, in a pamphlet* replete with the most useful information, says :—

“The principal loss which India suffers, in having to procure so large a proportion of her manufactured goods from abroad, arises from the cost of factory labour in England and from freight across the sea. These charges represent a loss in the quantity of manufactured goods, which reaches the original Indian farmer in exchange for his raw produce. Another and serious item of loss is, that large numbers of hereditary craftsmen have been thrown out of employment, and that the skilled workmanship of this class is now necessarily much less productively utilised in ordinary agriculture, which is in no need of such additional labour. We import cotton piece goods, yarn, woollen cloth, manufactured leather, glassware, bar-iron, tin-plate, cutlery, wire, sugar, paper, corrugated sheeting, and an endless list of other articles, all of which are capable, with proper knowledge and appliances, of being manufactured locally.”

The skilled labour needed for the industries dependent upon science—and the more important industries, as we have observed before, are such—is of various grades. The training required for the operatives would manifestly be best given in primary schools with evening classes, in the vicinity of large factories. With regard to foremen and masters, provision for their training may be made in secondary schools where necessary, as demanded by local circumstances. But for teachers of such schools, chemists and other scientific men attached to manufactories, a superior degree of scientific

* *Technical Education for India*, by Francis J. E. Spring. W. Newman & Co. : Calcutta, 1887.

training is required, which we shall call Higher Technical Education.

Now, as Higher Technical Education is only a special development of scientific education, which is desirable on its own account, it could be introduced without any very serious difficulty. The pecuniary prospect of the students receiving it—a very important consideration, especially in this country—will not be prejudiced in any way. It would do no harm to a student of Chemistry or Physics to learn it more thoroughly and more practically than at present, and to make a special study of one or two branches. In a country where manufacturing on a large scale are yet to be established; where there is at least no certain and no immediate prospect of respectable industrial employment, the measures taken for technical education should, to start with, be of a tentative nature. Elaborate systems will be of little avail at present. They would entail heavy expenses, without yielding any corresponding result. Specialised Technical Institutions, such as the City and Guilds of London Institute, will be unsuited to the present needs of the country. The time is not yet ripe for them; nor will sufficient money for the purpose be forthcoming for a long while yet. People who talk of establishing a Technological Institute by private subscription do not, we are afraid, fully comprehend the magnitude of the task, and know not what it would cost. The whole of the Jubilee Fund, together with the municipal grant, would go but a little way towards it. Two or three lakhs will be nowhere. What we want now, and what we are able to accomplish, is such a reform of the present educational system, that it may produce scientific specialists who may contribute to the rise of new manufactures, or the revival of old ones; and who, if they failed to do so, will at any rate, have disseminated a knowledge of Science, and thus laid the foundation of industrial progress. They would not be cast adrift on the world, but would be able to earn their livelihood as lecturers, and in other ways now open, if they failed to secure proper industrial employment. This is the sort of High Technical Education which the present writer recommended in a pamphlet published in October last year; and we are glad to find ourselves at one with Professors Eliot and Pedler on this point.

Coming to details, however, there are a few important points in which we are obliged to disagree. The essence of Messrs. Eliot and Pedler's scheme, so far as we have understood it, is not in any way to alter the present courses of study up to B.A., or the present methods of University Examinations therein, but to add on to them special courses for higher degrees, which will for the present be studied at the Presidency

College, and for which a special staff of professors is to be maintained. We need hardly say that we entirely agree with the learned authors about the desirability of a higher class of teaching than what is at vogue now; but we are inclined to think that their scheme is not thoroughgoing enough to effect this object. The foundation should be improved, or else the superstructure will not stand. The Entrance, F.A. and B.A. teaching must be improved before they could effectively lead up to a higher degree. Unless the F.A. and B.A. Examinations* are thoroughly remodelled with a view to meet the requirements of Science-students, higher examinations are destined to be a failure. Progress by leaps and bounds is an impossibility. The B.A. Science-student must have made some step towards the special study of the Science or Sciences which they intend to pursue before any further advance is possible. Indeed, if the B.A. Science-teaching be thoroughly sound, the student should be able to pursue his subject without much help from professors. The most serious objection urged against the introduction of elementary Science at the Entrance Examination is, the want of competent Science-teachers. This is a very serious reflection on the present system of Science-education. It is, however, not more serious than true. We are firmly convinced that so long as the present system of teaching, and the present mode of examination are not considerably improved, progress is not to be expected. In the pamphlet cited above, the present writer suggested the following reforms in the University Examinations:—

We do not think it would be at all desirable to introduce elementary Science in the Entrance Examination *at the sacrifice* either of English or of the second language. Nevertheless, we fully agree with the writer of the Home Department Note on Technical Education and other authorities, that elementary Science should be introduced in the High and Middle Schools; and, just by way of encouragement, we would propose that the Elements of Physics and Chemistry be prescribed as *optional* subjects for the Entrance Examination, the marks obtained in them counting only towards the place of the candidates taking them up in the general list. Or, only one paper may be set in History and Geography, (Physical Geography being excluded altogether) instead of two as at present, and Elementary Science made *compulsory* by setting a paper in it. The object of the Entrance Examination should be to lay the foundation for general culture; and it would, we think, be a distinct disadvantage to introduce specialism at so early a stage. However, the question as to how Science could be most effectively ingrafted on the curriculum of the schools, is one which is incapable of satisfactory settlement without thorough discussion; and the proposals I have just made must be taken as mere suggestions put forward to invite discussion.

Whatever objections may be raised with respect to any attempt to introduce Science in the Entrance Examination, we are aware of none at least of a very serious nature, to its introduction into the First Arts as

* It must be distinctly understood we are in this paper concerned with Science teaching only.

an *alternative* branch of study, except the general difficulty of getting competent teachers for all the subjects—a difficulty which will be taken into consideration presently. The students after passing the Entrance Examination, should decide upon their future career. For those who intend to pursue literature, the present First Arts course will serve, with perhaps some slight alterations. The rest may be grouped under three heads as follows :—

(A.) Students for general Science and its application to the Industries.

(B.) Students for Engineering.

(C.) Students for Medicine.

In each of these cases the second language, History and Logic, may be altogether dispensed with, and the following alternative First Arts course substituted for students coming under the heads (A) and (B.)

(a) English	Two papers	} As at present.
(b) Mathematics	..	..	..	Do.
(c) Physics	..	..	..	Do.
(d) Chemistry	One paper	
(e) Biology or Drawing*	..	..	..	Do.

For Medical students, Mathematics beyond the stage required for the Entrance Examination, is not essential, and the following course may be found advantageous :—

(a) English	..	..	..	..	Two papers,
(b) Botany	..	..	..	..	Do.
(c) Zoology	..	..	..	..	Do.
(d) Chemistry (including Elementary Physics)	..	..	..	..	Do.

So long as English remains the vehicle of instruction in our colleges, a knowledge of that language is indispensable, and cannot be safely omitted from the Science Examination corresponding to the First Arts (the First Science Examination or whatever other name it may go by). It is obvious, however, that the English course needed for the Science students should be different from what is wanted for the Art students. All that is required of the former is sufficient knowledge to enable them to understand English scientific books and to express their ideas in English. The English course, and the University Examination therein intended for them, should be adjusted accordingly.

The fact of the University First Arts Examination being held at a rather large number of places,† precludes the possibility of the application of satisfactory practical tests at the Science Examinations. It is, therefore, highly desirable that the number of the F. A. Examination centres, at least for the Science candidates, should be largely reduced. Indeed, as the introduction of Science on the scale contemplated here is not likely to be effected in the near future anywhere except in the metropolis, and two or three of the more highly advanced mofussil colleges, the holding of the First Science Examination at the metropolis only would not practically lead to any serious hardship.

After passing the First Science Examination, the students of general and technical Science should take up their special subjects of study. The present Science (B) course for the University degree ought to be considerably modified. The Science students should not be called upon to pass in the English course; nor is it necessary that Mathematics, higher than the First Arts standard, should be made compulsory for them all.

* Drawing being intended for the Engineering, and Biology for the other students.

† The number is 29 at present.

To illustrate by an example : For students desirous of making Physics or Chemistry their speciality, it would be of very little use to make a critical study of the plays of Shakespeare, the poems of Milton or Wordsworth, or of any of the works of Burke, Pattison or De Quincey. All the branches of Natural Science have grown so largely of late, that it is impossible for any man to be equally proficient, even in all the subdivisions of any one branch of Science. Zoology, for instance, has made such rapid progress within recent years, that a zoologist is now obliged to devote almost his exclusive attention to one class or order or even a family, out of numbers of classes or orders or families into which the Animal Kingdom is divided. Such dispersion of energies as is fostered by the Calcutta University is quite inconsistent with the spirit of the age. It cannot lead to any good result ; at any rate, any result commensurate with the time, labour, and energy spent. The Calcutta University appears to be tremendously behind the age, and it is high time the eyes of that sapient body were opened.

The Entrance Examination lays the foundation for general culture. At the First Arts a step is taken towards specialism which should be further developed at the Science Examination corresponding to the B. A. Examination. In order to do this the (B) or Science course of this Examination, should consist of the following subjects, arranged in groups of two or three, the candidates being required to take up any *one* of such groups :—

- | | |
|----------------------------|-------------------------------|
| I. Pure Mathematics. | VI. Zoology. |
| II. Mixed Mathematics. | VII. Physiology. |
| III. Experimental Physics. | VIII. Geology. |
| IV. Chemistry. | IX. Mental and Moral Science. |
| V. Botany. | |

Mathematics (Pure and Mixed) with Experimental Physics may form one group ; Experimental Physics and Chemistry another group, and so on. It need hardly be remarked that the standard of proficiency required in each subject should be very high. Above all, a *practical examination should be held in every subject that admits of it*.

Both at the First Science Examination and at the Degree Examination, candidates may take Honours in any subjects prescribed for the Pass Examinations.

We are glad to find that a recent Committee has recommended the introduction of Elementary Science at the Entrance Examination, and that the questions are to be "so set as to test whether candidates had received experimental instruction or not." But this reform will not, we think, have the desired effect unless the F. A. and B. A. Examinations are made more searching and more practical.

If our suggestions about the alternative F. A. Examinations for the Medical and Engineering students be adopted, they would get a better preliminary training than what they have at present. Further, the Medical and Engineering Colleges having to impart purely technical instruction, the establishments now maintained there for the teaching of the allied Sciences—Zoology, Botany, and Chemistry at the Medical, and Physics, Chemistry, Geology, and Metallurgy at the Seebpore Engineering College—would be available for a Central Science College. Thus the waste of teaching power at present caused by the dispersion of chairs for identical subjects at the Medical,

Seebpore and Presidency Colleges, and the maintenance of lecturerships for special classes of students which could be utilised for students of general science as well, will be prevented, and considerable economy effected at the same time. •

Messrs. Eliot and Pedler interpose a wide gulf between higher and lower Science-teaching, which we are inclined* to think should not exist. One ought to lead up to the other. The present Science-subjects for the B. A. Examination (B. course) are comprehensive enough. Botany, for instance, includes—

(a.) The morphology and histology of flowering plants; the general principles of their classification on the systems of Linnæus and De Candolle, with a detailed acquaintance with the characters of some thirty-six natural orders.

(b.) A general acquaintance with the morphology, histology and classification of cryptoganes.

(c.) Vegetable Physiology.

Any body who has been thoroughly well grounded in these subjects, and mastered the text-books* prescribed, should be able to pursue the study of more advanced Botany without much help from a professor by way of systematic teaching. If our recommendations with regard to F. A. and B. A. Examinations be adopted, the same set of professors, with a proper staff of assistants, would do for the higher as well as the lower Science-teaching. Students who would prosecute any special Science after taking the B. A. or B. Sc. degree would be of a limited number, and the professors could easily arrange a few senior classes for them. The Professors should be picked men, of course; and the Education Department should offer sufficient inducement to attract the very best men available. Direct appointment to the third, instead of the fourth grade, as suggested by Messrs. Eliot and Pedler, "would perhaps be sufficient to secure the class of men required;" and, we have to add, whenever there is a vacancy, it should be widely advertised. It is also desirable to have a Committee of experts to consider the qualifications of candidates.

The reforms we have here advocated would have practically the effect of putting a stop to Science-teaching at many of our mofussil colleges and at the private colleges in Calcutta. But this effect will only be temporary. Under the improved system, we may in a few years confidently expect to have a sufficient number of graduates who will be quite competent to teach all the scientific subjects.

*These are Thome's "Text-book of Botany," Henfry's "Elementary Course of Botany," edited by Masters.

Oliver's "First book of Indian Botany"

Sachs' "Text-book of Botany," translated by Bennet and Dyer, Book I.

There is another point in Messrs. Eliot and Pedler's note to which we have to take exception. Economy is now the paramount consideration in all departments of Government. One of the essential conditions of the feasibility of a scheme for improvement is its being economical. The Government grant for education must not be exceeded. This is certainly a very serious difficulty. It must, however, be taken as actual and contended with. In order to meet the increased expenditure for carrying out their scheme, Messrs Eliot and Pedler suggest the abolition of the Kishnaghur, Hooghly, and Chittagong Colleges. The Education Commission recommended the abolition of the Chittagong, Berhampur, and Midnapur Colleges, if no "local body be formed to carry them on with such a grant-in-aid as the rules provide." But even with regard to them, representing as they do large and well defined geographical areas, from which other and more successful educational centres are not easily accessible, their abolition could not but be detrimental to the spread of education. Berhampur and Midnapur have been, or are about to be, taken over by private agencies. The Chittagong College is, we believe, still maintained by Government, and it should not be closed until at least some local body comes forward to continue its work. The Education Commission did not recommend the abolition of the Hooghly College at all. With regard to Kishnaghur, they suggested its transference to private management on satisfactory guarantee being given "that the college will be maintained (1) permanently, (2) in full efficiency, (3) in such a way as to make it adequate for all the wants of the locality." We have no very serious objections to urge against such transference on such conditions. But the unconditional abolition of such colleges as Hooghly and Kishnaghur should certainly be protested against. It is true there is now easy communication, by rail between those places and the metropolis. But there are large numbers of students who either cannot afford to come and live here, or for whom it is not desirable that they should do so. Besides resident inhabitants, Hooghly and Kishnaghur being Sudder stations of districts, contain a considerable population of Government officials, pleaders, &c. To close the colleges at Hooghly and Kishnaghur until suitable arrangements are made for carrying on their work, would be to put serious obstacles in the way of all these people educating their sons, relations, and friends and others depending upon them. Those who know the circumstances of our middle-class people know very well that, in most cases, this will mean a death-blow to college education. It is only the well-to-do who could afford the expenses of a sojourn in Calcutta for educational purposes. Their number is not large ;

nor, as a body, do they form the most intelligent section of the community. Besides, away from the watch and ward of their guardians, they are in many cases likely to go wrong in a city like Calcutta. If the suggestions we have ventured to make about the centralisation of Science-teaching in the metropolis be carried out it could, we think, be made more efficient than at present, at but little additional cost to Government, if any at all; and for this the adoption of such a sweeping measure as the abolition of three colleges, two of which are admitted to be doing good work, is wholly unnecessary. The Education Department is probably the only Department of State to which it would be a fatal mistake to apply the shears of retrenchment. The money hitherto spent on literary and legal education has, we believe, been amply repaid, as far as Government is immediately concerned, by the production of a cheap and efficient machinery for carrying on a good portion of its work. The spread of scientific and technical education is calculated to lead to larger results than this; it will develop the resources of the country and make it rich. It is such an object as this for which the nation should pay, for it will benefit the whole nation and, indirectly, the Government.

P. N. BOSE.

ART. IV.—HINDU CIVILISATION OF THE BRAHMANA PERIOD.

(Continued from the "Calcutta Review,"
October 1887, Page 274.)

IV.—Professions and Castes.

AS we drift down the history of Hindu civilisation, we notice, along with a remarkable progress in sciences and learning, an unhappy sign of social institutions being more and more crystalised into hard-and-fast rules, which gradually contracted the liberties and the free energies of the people. The boldest speculations in religion and philosophy were started by learned men at the same time, when the mass of the people were submitting to the chains of the priesthood ; and as the arts of peace were carried to a high degree of excellence, the men employed in these arts surrendered all social freedom, and were bound down by unhealthy priest-imposed laws and restrictions which made further progress impossible. This is the dark side of the Hindu civilisation. Priestly supremacy threw its coils round and round the nation from its early youth, and the nation never attained that manly freedom and strength which marked the ancient nations of Europe.

But the worst results of priestly supremacy were not brought about in a day. We see the dark cloud slowly forming itself at the close of the Rig-Veda period. We see it increasing in strength and volume in the Brâhmana period. We shall see it casting a still gloomier shadow on the society of the Sûtra period ; but it is only in the Pauranik period, that it threw an utter impenetrable gloom over a gifted but ill-fated nation. In the earlier periods, so long as the nation had the life and the strength of youth, it made repeated attempts to throw off priestly supremacy and to assert its free-born rights. The Kshatriyas made an attempt to assert themselves in the very period of which we are now speaking, as we shall see further on. And the Kshatriyas made a still mightier attempt later on to throw Brâhmanism overboard, and adopted the Buddhist religion all over the land. With the extinction of Buddhism such attempts seemed to end, and priestly tyranny became ten times worse than before. The energies of the nation were cramped, the natural boldness of the martial races was subdued by superstitious beliefs, the feeling

of national unity was almost annihilated, and the descendants of those who had fought the Kuru-Panchâla war, and had opposed the march of Alexander, fell before petty adventurers. The great nation was conquered by an adventurer from Ghor, who had scarcely a kingdom of his own, and whose descendants soon lost all connexion with their mother country, and ruled in India through the weakness of the Hindus. And in the five or six centuries that followed the conquest, there was not life enough in the millions of martial men who inhabited Northern India, from the Punjab to Behar, to make one serious effort to send out the handful of aliens who held them in chains. Ancient Greece fell through the want of unity among her petty states; Rome fell on account of her luxury and vice; India fell on account of her superstition and consequent lifelessness.

An apology is due to the readers for this digression; but the reflexions are probably not inappropriate in the present place, where we find the caste system first forming itself.

We have seen that about the close of the Rig-Vida period the priests had already formed themselves into a separate profession, and sons stepped into the duties of their fathers. It is scarcely necessary to say that this profession formed itself into a separate hereditary caste in the Brâhmana period. The kings and warriors followed the example and separated themselves from the people, and formed themselves into another caste. The mass of the people, cultivators, traders, and manufacturers, retained the ancient name for the people—Vis or Vaisya, while the conquered and Hinduised aborigines formed the lowest caste, the Sûdra.

While this division formed itself in the Brâhmana period, all castes, except the Sûdra, were still entitled to religious knowledge and learning, and intermarriage among the different castes was still allowed under certain restrictions. However much we may deplore the commencement of the caste-system, we should never forget that the worst results of that system,—the *priestly monopoly of learning*, and the *absolute social separation among the castes*, were unknown in India until the Pauranik Period which began long after the Christian era.

In the sixteenth chapter of the White Yajur Veda, we meet with the names of various professions, which throw some light on the state of the society at the time the chapter was compiled. We are unable to say, however, that these professions had yet formed themselves into separate castes. Some of the professions mentioned are certainly not castes. Thus various kinds of thieves are enumerated in Kandikâs 20 and 21, and horsemen, charioteers and infantry are spoken of in 26. It is likely, therefore, that the carpenter, the chariot maker, the

potter and the blacksmith, mentioned in 27, also formed different professions and not castes. The Nishâda and others, also mentioned in the same Kandikâ, were obviously aboriginal tribes, who then as now, formed the lowest strata of Hindu society.

The list is very much enlarged in the 30th chapter of the same work, which, as we have seen before, is of a considerably later date, and indeed belongs to the *khila* or the supplement. But here, too, we meet with many names which indicate professions only, and many others which undoubtedly refer to the aborigines; and we find no evidence that the mass of the Aryan population (leaving aside the priests and warriors) had been divided into castes. We find names of different kinds of thieves, of dancers, speakers, and frequenters in assemblies; of lewd men, and sons of unmarried women; of chariot-makers, carpenters, potters, jewellers, cultivators, arrow-makers, and bow-makers; of dwarfs and crookedly formed men, blind and deaf persons; of physicians and astronomers; of keepers of elephants, horses, and cattle; of servants, cooks, gatekeepers, and wood-cutters; of painters and engravers; of washermen, dyers, and barbers; of learned men and proud men; of women of various descriptions; of tanners, fishermen, hunters and fowlers; of goldsmiths and merchants; of men with various diseases; of wig-makers and imaginative men (poets!); of musicians of various kinds, and men of other descriptions. It is plain that this is not a list of castes. On the other hand, the Mâgadha and Suta and Bhimala and Mrigayu and Svanin, and Nisâda and Durmada, and others mentioned in the list are clearly aborigines, living under the shadow of the aryan society. We have only to add that the same list, with slight modifications, is given in the Taittirîya Brâhmana.

As we have stated before, knowledge and learning were not in that period confined to the priests, but were the common property of all the aryan castes. We often find Kshatriyas taunting Brâhmins on their superior pretensions, until Brâhmins came to learn new truths from the Kshatriyas. A few instances will suffice our purpose.

"Janaka of Videha once met some Brâhmins who had just arrived. They were Svetaaketu Aruneya, Somasushma Satya-yajni and Yâjnavalkyâ. He said to them: 'How do you perform the Agni hotra'?"

The three Brâhmins replied as best they could, but not correctly. Yâjnavalkya came very near the mark, but was not quite correct. Janaka told them so, and mounted his car and went away!

"The priests said: This fellow of a Râjanya has insulted

us." Yājñavalkya mounted his car, followed the king, and had the difficulty explained. (Satapatha Brāhmaṇa, XI. 4, 5).

We have numerous such instances in the Upanishads, in which the Kshatriyas seem to be the wisest teachers and the boldest enquirers into the nature of the Supreme Being. But we will speak of this subject further on. Our present remarks will be confined to the relations between the Brāhmins and the Kshatriyas.

We find in Chhândogya Brāhmaṇa, V. 3, that one of the three Brāhmins named above, Svetaketu Aruneya came to an assembly of the Panchûlas, and Pravāhana Jaivali, a Kshatriya, asked him some questions which puzzled him. He came back sorrowful to his father and said: "That fellow of a Rājanya asked me five questions, and I could not answer one of them." The father, Gautama, was himself puzzled, and went to the Kshatriya to have his difficulty removed. Pravāhana Jaivali replied: "Gautama, this knowledge did not go to any Brāhmaṇa before you, and therefore this teaching belonged in all the worlds to the Kshatra class alone." And then he imparted the knowledge to Gautama.

In another place in this Upanishad (I, 8), this Pravāhana silenced two boastful Brāhmins, and then imparted true knowledge to them.

A story is told in the Satapatha Brāhmaṇa, X. 6, 1, 1, and is repeated in the Chhândogya Upanishad, that five Brāhman householders and theologians became anxious to know 'What is our self, and what is Brahman?' They came to Uddālaka Aruni to obtain the knowledge, but Aruni had his misgivings, and therefore took them to the Kshatriya king Asvapati Kaikeya, who courteously invited them to stay at a sacrifice he was going to perform. He said: "In my kingdom there is no thief, no miser, no drunkard, no man without an altar in his house, no ignorant person, no adulterer, much less an adulteress. I am going to perform a sacrifice, Sirs, and as much wealth as I give to each Ritvik priest, I shall give to you, Sirs. Please to stay here."

They stayed and told him what they had come for, and "on the next morning they approached him, carrying fuel in their hands (like students), and he, without any preparatory rites," imparted to them the knowledge they had come for.

It is curious how we meet the same names over and over in the different Upanishads, and often the same story, too, in different forms; showing that the old recognised Upanishads were composed at much the same time. We find Uddālaka Aruni, also called Gautama, and his son Svetaketu, again in the Kaushîtaki Upanishad; and the father and the son went to Chitra Gāngyāyani, fuel in hand, to learn the truth. Chitra, a

Kshatriya king, said: "You are worthy of Brâhman O Gautama, because you were not led away by pride. Come hither, I shall make you know clearly."

A celebrated story is told in the Kaushîtaki Upanishad of a conversation between Gârgya Bâlâki, a celebrated man of learning, and Ajâta satru the learned king of Kâshi. The boastful Brâhman challenged the king, but in course of the learned dispute which followed, he collapsed and became silent. "Ajâtasatru said to him: 'Thus far do you know O Bâlâki?' 'Thus far only,' replied Bâlâki. Then Ajâtasatru said to him: 'Vainly did you challenge me, saying, shall I tell you Brâhman?' 'O Bâlâki, he who is the maker of those persons (whom you mentioned), he of whom all this is the work, he alone is to be known.'

"Then Bâlâki came, carrying fuel in his hand, saying: 'May I come to you as a pupil?' Ajâtasatru said to him: 'I deem it improper that a Kshatriya should initiate a Brâhman. Come, I will make you know clearly.'

This story, as well as the story of Svetaketu Aruneya and the Kshatriya king Pravâhana Jaivali are repeated in the Brihadâranyaka Upanishad.

It is needless to multiply instances. The instances adduced will show that though the Brâhmanas obtained the monopoly of presiding at large sacrifices, they did not, by any means, monopolise knowledge. We think the instances cited prove more than this. The Upanishads are generally the last portions of the Brâhmanas in which they are found, and there can be no question that they were composed towards the very close of the Brâhmana period. Brâhman priest had the principal hand in composing those dogmatic explanations which go by the name of Brâhmanas, and too much attention was paid in those works to forms and ceremonies. There can be no doubt that there was a reaction against this at the close of the period of which we are speaking, and that learned Kshatriyas sought to discover the truth which, in their opinion, lay hid in these forms and ceremonies; and when they had perceived it, they proudly declared it to the shallow priests as a knowledge which "did not go to any Brâhman before," and which "belonged in all the worlds to the Kshatra class alone." This is the first protest on record against the supremacy of the priestly class. Whether the protest shaped itself into action and brought about a war between the two castes, such as are alluded to in the story of Parasu Râma, is a matter on which we are unable to give any opinion.

There are numerous passages in the works of the period which show that the rigidity of the caste system had not been so firmly established in the early times as they were

at a later period. We learn from Aitareya Brâhmana (I, 16, and II, 17), that one who was not recognised as a Brahman (Abrâhmanokta) could be the performing priest and bring a sacrifice. A still more remarkable passage however occurs in the same Brâhmana (VII, 29), which would seem to show that caste rules were by no means rigid, and persons born in one community might enter into another. When a Kshatriya eats at a sacrifice, the portion assigned for the Brâhmans, his progeny has the characteristics of a Brâhman "ready to take gifts, thirsty after drinking soma, and hungry of eating food, and ready to roam about every where according to pleasure." And "in the second or third generation he is then capable of entering completely the Brâhmanship." When he eats the share of Vaisyas his "offspring will be born with the characteristics of the Vaisyas, paying taxes to another king;" "and in the second or third degree they are capable of entering the caste of the Vaisyas." When he takes the share of the Sûdras, his progeny "will have the characteristics of the Sûdras; they are to serve another, (the three higher castes), to be expelled and beaten according to the pleasure (of their masters)." "And in the second or third degree, he is capable of entering the condition of the Sûdras."

We have other evidences to show that men not born Brâhmans became Brâhmans by their reputation and their learning. In Aitareya Brâhmana, II, 19, we are told of Kavasha, the son of Ilushâ, whom the other Rishis expelled from a sacrificial session, saying, "how should the son of a slave girl, a gamester, who is no Brâhman, remain among us and become initiated?" But Kavasha knew the gods and the gods knew him, and he was admitted as a Rishi. Similarly, in the beautiful legend of Satyakâma Jabâla in the Chhândagya Upanishad (IV, 4), is exemplified the fact that truth and learning opened out in those days a path to the highest honor and to the highest caste. The legend is so beautiful in its simplicity and its poetry, that we feel no hesitation in quoting the first portion of it.

"1. Satyakâma, the son of Jabâla, addressed his mother and said: 'I wish to become a Brahmachârin (religious student), mother. Of what family am I?'

"2. She said to him: 'I do not know, my child, of what family thou art. In my youth, when I had to move about much as a servant, I conceived thee. I do not know of what family thou art. I am Jabâla by name, thou art Satyakâma, say that thou art Satyakâma Jabâla.'

"3. He, going to Gautama Haridrumata, said to him: 'I wish to become a Brahmacharin with you, sir. May I come to you, sir?'

"4. He said to him : 'Of what family are you, my friend?' He replied : 'I do not know, sir, of what family I am. I asked my mother, and she answered—

"In my youth when I had to move about much as a servant, I conceived thee. I do not know of what family thou art. I am Jabâlâ by name, thou art Satyakâma." I am therefore Satyakâma Jabâlâ, sir.'

"5. He said to him : 'No one but a true Brâhmana would thus speak out. Go and fetch fuel, friend, I shall initiate you. You have not swerved from the truth."

And this truth-loving young man was initiated, and, according to the custom of the times, went out to tend his teacher's cattle. In time he learnt the great truths which nature, and even the brute-creation, teach those whose minds are open to instruction. Yes, he learned truths from the bull of the herd that he was tending, from the fire that he had lighted, and from a flamingo and a diverbird which flew near him, when in the evening he had penned his cows and laid wood on the evening fire, and sat behind it. The young student then came back to his teacher, and his teacher at once said : "Friend, you shine like one who knows Brâhman : who then has taught you?" "Not men," was the young student's reply. And the truth which the young student had learnt (though clothed in the fanciful and somewhat grotesque style of the period) was that the four quarters, and the earth, the sky, the heaven, and the ocean, and the sun, the moon, the lightning, and the fire, and the organs and mind of living beings, yea, the whole universe was—Brâhman or God.

Such is the teaching of the Upanishad, and such are the poetical legends in which the teaching is clothed, as we shall see further on. A legend like that of Satyakâma Jabâlâ, in the Upanishads, which is full of human feeling and pathos and the highest moral lessons, cheers and refreshes the student after he has waded through pages of the dry and meaningless dogmas and rituals of the Brâhmanas. But our purpose in quoting the legend here is to show that the rules of caste had not become yet rigid when such legends were composed. We find in the legend that the son of a servant girl, who did not know his own father, became a religious student simply through his love of truth, learnt the lessons which nature and the learned men of the time could teach him, and subsequently became classed among the wisest religious teachers of the time. Surely the caste system of that ancient time must have been freedom itself compared to the enslaving system of later times, when the priestly class, recouped in all parts of India and from all classes, ayran and non-ayran, insolently shut out the entire nation which fed and supported them, from that knowledge

which is the food of a nation's mind, and the life of a nation's life.

There is another legend in the same Upanishad (IV, 2), in which we find a Brâhman imparting knowledge to a Sûdra, accepting presents from him, and taking his daughter for his wife. The legend is in the usual simple language of the Upanishads, and we will therefore quote it :

" 1. Then Jânasrmti Putrâyana took six hundred cows, a necklace, and a carriage with mules, went to Raikva and said—

" 2. 'Raikva, here are six hundred cows, a necklace, and a carriage with mules; teach me the deity which you worship.'

" 3. The other replied : 'Fie, necklace and carriage be thine O Sûdra, together with the cows.' Then Jânasrmti Putrâyana took again a thousand cows, a necklace, a carriage with mules, and his own daughter, and went to him.

" 4. He said to him : 'Raikva, there are a thousand cows, a necklace, a carriage with mules, this wife, and this village in which thou dwellest. Sir, teach me ?'

" 5. He opening her mouth, said : 'You have brought these (cows and other presents). O Sûdra, but only by that mouth did you make me speak.'"

The Sûdra, however, though in exceptional cases admitted to knowledge, does not appear to have been ever admitted to the sacrifice. On the other hand the Brâhmanas, Kshatriyas and Vaisyas were all able to sacrifice (Satapatha Brâhmana, III, 1, 9), and therefore the distinctions between these castes was small, and the supremacy of the Brâhman was almost nominal yet. In one passage, indeed, we have it boldly stated that a Brâhman may be of uncertain birth, but that he only is a true Brâhman who is born of the *Brahman* of the sacrifice; wherefore *even a Rajanya or a Vaisya should be addressed as Brahman*, "since he who is born of the sacrifice is born of the *Brahman* and hence a Brâhmana." (Satapatha Brâhmana, III, 2, 1, 40.)

It was in the Brâhmana period that the sacrificial cord *Yajnopavîta* came to use. We are told in the Satapatha Brâhmana, II, 4, 2, that when all being come to Prajâpati, the gods and the fathers came, wearing the sacrificial cord. And we are told in Kânshîtaki Upanishad II, 7, that the all-conquering Kânshîtaki adores the sun when rising, having put on the sacrificial cord.

The *Yajnopavîta* was worn in this ancient period by Brâhmanas, Kshatriyas and Vaisyas alike, but only at the time of performing *Yajna* or Vedic worship and sacrifices. The *Yajnopavîta* is now worn habitually at all times, but by the members of one caste only, and that caste has forgotten to perform Vedic *Yajna* ! The name of the holy thread is a satire on our times !

V.—*The sacrificial rites and legends of the Brāhmanas.*

The main feature which distinguishes the religion of the Brāhmana period from that of the preceding age is the great importance which came to be attached to *sacrifice*. In the earlier portion of the Rig-Veda period, men composed hymns in praise of the most imposing manifestations of nature ; they deified these various natural phenomena, and they worshipped these deities under the name of Indra or Varuna of Agni or the Maruts. The worship took the shape of sacrifice, *i. e.* the offering of milk or grain food of animals or libations of the soma juice to the gods. Such offerings were but an accompaniment to the worship of the gods which proceeded from pious hearts and pious lips.

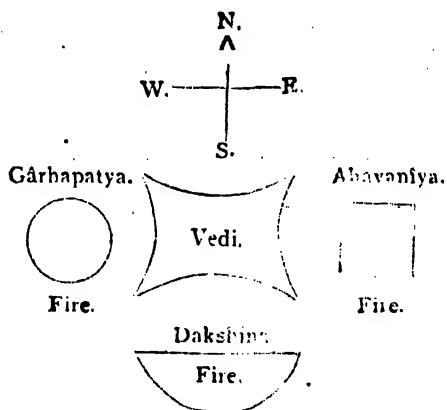
A gradual change, however, is perceptible towards the close of the Rig-Veda, and in the period of the Brāhmana sacrifice as such, the mere forms and ceremonials and offerings had acquired such an abnormal importance, that every thing else was lost in it. The priests appear to have believed that the ancient hymns had been composed simply and solely for the purpose of being uttered at sacrifices, and were only a means to their great end. They entirely forgot that the hymns were themselves the earliest form of expression of those feelings of gratitude and fervency in the human heart which found a later and a less pure form of expression in the sacrifice.

It would be entirely foreign to our purpose to describe the various kinds of sacrifices of which we find accounts in the Brāhmanas, from the simple morning or evening sacrifice, (Agnihotra) and the new and full moon sacrifices, (Darsa Pūrnamāsa Ishti), to the *sattras* or sacrificial sessions, which lasted for a whole year for ten or twelve years or even to sixty years ! Many a young priest who saw the commencement of such sacrifices would pass through their lifetime, and grow grey and die before these strange and gorgeous ceremonials came to their end. Few, few indeed, could see its commencement and its end ; it was a work of generations of priests and generations of sacrificers !

A list of some of the principal sacrifices has been given in the list of contents of the White Yajur-Veda, which will be found in the first section of this paper. The great horse sacrifice and the coronation ceremony have also been briefly described before. We will now, therefore, speak of only one or two more sacrifices, which specially illustrate the manners and customs of the time.

We have seen before, that king Asvapati boasted that in his kingdom there was no thief, no miser, no drunkard, no

ignorant person, no adulterer or adulteress, and "no man without an altar in his house." In these days, to keep the sacred fire in the altar was a duty incumbent on every householder, and the breach of this rule was regarded as positive impiety and irreligiousness. The student who had returned home from his teacher or his Parishad married in due time, and then set up the sacrificial fires, generally on the first day of the waxing moon, but sometimes also at full moon, probably to enable the newly married couple to enter on the sacred duties as early as possible. The performance of the Agni-adhana, or the establishment of the sacred fires, generally required two days. The sacrificer chose his four priests, the Brāhman, the Hotri, the Adhvaryu, and the Agnîdhra, and erected two sheds or fire-houses, for the Gârhapatya and the Ahavaniya fires, respectively. A circle was marked for the Gârhapatya fire, and a square for the Ahavaniya fire, and if a southern or Dakshinagni was required, a semi-circular area was marked south of the space between the other two sites thus:—



The Adhvaryu then procured a temporary fire, either producing it by friction, or obtaining it from certain specified sources in the village, and after the usual five-fold lustration of the Gârhapatya fire-place, he laid down the fire thereon. Towards sunset the sacrificer invoked the gods and manes. He and his wife then entered the Gârhapatya house, and the Adhvaryu handed him two pieces of wood, the *arani* for the production of the Ahavaniya fire on the next morning; and the sacrificer and his wife laid them on their laps, and propitiatory ceremonies were performed. The sacrificer and his wife remained awake the whole night and kept up the fire. In the morning the Adhvaryu extinguished the fire, or if there was to be a Dakshinagni, he kept it till that

fire was made up.* Such in brief is the ceremony of the Agni adhana, or the setting up of sacrificial fires which formed an important duty in the life of every Hindu householder in ancient days, when the gods were worshipped by each man in his fire-place and temples, and idols were unknown.

The illustrious German scholar Dr. Roth first pointed out in 1854, from a passage in the Rig-Veda, (X, 18, 11), that in ancient ages burial was practised by the Hindus. This custom was followed by the burning of the dead and the burial of the ashes. That this latter custom was also in vogue in the Rig-Veda period appears from other passages, such as X, 15, 14, and X 16, 1. In the Brāhmana period, of which we are now speaking, the custom of burying had ceased altogether, and the dead were burnt, and the ashes were buried. We find an account of this in the 35th chapter of the White Yajur-Veda. The bones of the deceased were collected in a vessel and buried in the ground near a stream, and a mound was raised as high as the knee and covered with grass. The relatives then bathed and changed their clothes and left the funeral ground. The same ceremony is more fully described in the Aranyaka of the Black Yajur-Veda. It is scarcely necessary to add that the custom which now prevails among the Hindus is simple cremation, without the burial of the ashes. This according to Dr Rajendra Lala, began from an early part of the Christian era.

The interesting ceremony of the gift of cakes to the departed ancestor is described in the second chapter of the White Yajur-Veda. The cakes are offered to the Fire and to Sonā, and the Fathers are invoked to receive their shares. Then follows an address to the Fathers with reference to the six seasons of the year. The worshipper then looks at his wife and says : " Fathers ! you have made us domestic men—we have brought these gifts to you according to our power." Then offering a thread or wool or hair, he says : " Fathers ! this is your apparel, wear it." Then the wife eats a cake with a desire to have children and says : " Fathers ! let a male be born in me in this season. Do you protect the son in this womb from all sickness." Departed spirits, according to the Hindu religion, receive offerings from their living descendants, and get none when the family is extinct. Hence the extreme fear of Hindus to die without male issue, and birth of a son is a part of the religion.

* See Julius Eggling's translation of the Satapatha Brāhmana, Part I, p. 274, &c. See also Dr. Haug's edition and translation of the Aitareya Brāhmana, and preface to Dr. Stevenson's translation of the Sāmaveda.

Sacrifices were generally classed under three great divisions, *vis.*, the Soma-sacrifice, the Havih-sacrifice, and the sacrifice of animals. There is a curious passage in Satapatha Brāhmaṇa 1, 2, 3, 7 & 8 about animal sacrifice which deserve to be quoted :

"At first; namely, the gods offered up a man as a victim. When he was offered up, the sacrificial essence went out of him. It entered into the horse. They offered up the horse. When it was offered, the sacrificial essence went out of it. It entered into the ox. When it was offered up, the sacrificial essence went out of it. It entered into the sheep. They offered up the sheep. When it was offered up, the sacrificial essence went out of it. It entered into the goat. They offered up the goat. When it was offered up, the sacrificial essence went out of it. It entered into this earth. They searched for it by digging. They found it (in the shape of) those two (substances), the rice and barley : therefore even now they obtain those two by digging ; and as much efficacy as all those sacrificed animal victims would have for him, so much efficacy has this oblation (of rice, &c.), for him who knows this."

Professor Max Müller infers from this passage that human sacrifices prevailed among the ancient Hindus, not in the Brāhmaṇa period, not even in the Rig-Veda period, but at a still remoter age. Dr. Rejendra Lala Mitra also infers from certain other passages which he quotes from the literature of this Brāhmaṇa period, that the inhuman custom prevailed in the remote past. We demur to the conclusions of these two eminent scholars.

If human sacrifices had prevailed in India before the Rig-Veda hymns which are now extant were composed, we should certainly have found allusions to it in the hymns themselves—allusions far more frequent than we find in the later Brāhmaṇa period. We find no such allusions. The story of Sunahsepa, as told in the Rig-Veda, is not evidence of human sacrifice. And there is absolutely nothing else in the Rig-Veda which can be construed as evidence of this fact. It is impossible to suppose that such a striking and fearful custom should have existed and gradually fallen into disuse without leaving the slightest trace in the Vedic hymns, some of which have come down from a very ancient date.

And where do we find allusions to this custom in the literature of the Brāhmaṇa period ? The Sāma-Veda is compiled from the Rig-Veda, and of course there is no mention of human sacrifice in this Veda. There is no mention of the horrible custom in the Black Yajur-Veda, and there is no mention of it in the White Yajur-Veda, properly so called. It is

in the very latest compositions of the Brâhmana period,—in the *khila* or supplementary portion of the White Yajur-Veda, in the Brâhmana of the Black Yajur-Veda, in the Aitareya Brâhmana of the Rig-Veda, and the last but one book of the Satapatha Brâhmana that we have accounts of human sacrifice. Is it possible to postulate the existence of a horrible custom in India in the remote past, of which we find no mention in the Rig-Veda, in the Sâma-Veda, in the Black or White Yajur-Veda, but the memory of which suddenly revived after a thousand years in the supplements and Brâhmanas of the Vedas? Or is it not far more natural to suppose that all the allusions to human sacrifice in the later compositions of the Brâhmana period are the speculations of priests, just as they have indulged in speculations about the sacrifice of the Supreme Being himself? If the priests needed any suggestion, the customs of the non-aryan tribes with whom they became familiar in the Brâhmana period would yield that suggestion.

The story of Sunashepa in the Rig-Veda, which has nothing to do with human sacrifice, has expanded and taken a new shape in the Brâhmanas, and is there a story of the sacrifice of a man! It is interesting to trace the gradual development in the Brâhmanas of many other similar legends, which again take their final shape in the Puranas! We have seen that in Vedic hymns, Soma is said to be obtained from the sky, and brought down by a falcon. The falcon in the Brâhmana is the Gâyatri Metre which flew up to the sky for Soma. But when Gâyatri was carrying Soma the Gandharvas stole it. As the Gandharvas are fond of women, Vâk or speech went in the shape of a woman without clothes to delude the Gandharvas. The Gandharvas were deluded, and recited the Vedas to her; but the gods sang to her and amused her, and so she turned to the gods; "wherefore even to this day women are given to vain things, * * and hence it is, to him who dances and sings that they most readily take a fancy!" (Sat. Br. III 2, 4, 6.) Thus both Soma and Vâk came to the gods.

A most remarkable legend is told of Manu, who in the Vedic hymns is alluded to as the ancient progenitor of man, who introduced cultivation and worship by fire. The legend in the Satapatha Brâhmana (I, 8, 1), is not unlike the account of the deluge in the Old Testament. As Manu was washing his hands a fish came unto him and said: "Rear me, I will save thee." Manu reared it, and in time it told him "in such and such a year that flood will come. Thou shalt then attend to me (*i. e.* to my advice) by preparing a ship." The flood came, and Manu entered into the ship which he had built in time; and the fish swam up to him and carried the ship

to "yonder northern mountain." The ship was fastened to a tree there, and as the flood subsided, Manu gradually descended. "The flood then swept away all these creatures, and Manu alone remain here."

Professor Max Müller has drawn attention to a celebrated Vedic hymn in which the poet, with fervent piety, enquires, "To which god shall we give our offering." It is difficult to misunderstand the import of this simple and sublime hymn; but "the authors of the Brāhmanas had so completely broken with the past that, forgetful of the poetical character of the hymns and the yearning of the poets after the unknown god, they exalted the interrogative pronoun itself into a deity, and acknowledged a god Ka or Who."—(*Ancient Literature*, p. 433.)

There is a beautiful Vedic simile in which the sun, pursuing the dawn, is compared to a lover pursuing a maiden. Who could have imagined that this simile would give rise to the legend which is found in the Brāhmanas (Satapatha I, 7, 4; Aitareya III, 33, &c.); that Prājapati, the supreme god, felt a passion for his daughter, and this was the origin of creation! This legend in the Brāhmana further developed itself in the Purānas, where Brahmā is represented as amorous of his daughter. The whole of these monstrous legends arose from a simple mehtapor in the Rig-Veda about the Sun following the Dawn. That such is the origin of the Pauranik fables was known to Hindu thinkers and commentators, and Professor Max Müller quotes and explains a passage from Kumārila, the great opponent of Buddhism and the predecessor of Sankarāchārya, which will bear repetition:

"It is fabled that Prājapati, the Lord of Creation, did violence to his daughter. But what does it mean? Prājapati the Lord of Creation, is a name of the sun; and he is called so because he protects all creatures. His daughter Ushas is the dawn. And when it is said that he was in love with her, this only means that at sunrise the sun runs after the dawn, the dawn being at the same time called the daughter of the sun because she rises when he approaches. In the same manner it is said that Indra was the seducer of Ahalyā. This does not imply that the god Indra committed such a crime; but Indra means the sun, and Ahalyā (from Ahan and li) the night; and as the night is seduced and ruined by the sun of the morning, therefore is Indra called the paramour of Ahalyā."

It would be useless and tedious to multiply instances of the way in which Brāhmanik legends sprang from Vedic poetry. We will therefore conclude this section with some brief allusions to the account of the creation as given in the Brāhmanas.

There is a myth in the Taittirīya Brāhmana (I, 1, 3, 5)

that nothing was seen in the beginning except water, and a lotus leaf standing out of it. Prajâpati dived in the shape of a boar and brought up some earth and spread it out and fastened it down by pebbles. This was the earth.

A similar story is told in the Satapatha Brâhmana (II, 1, 1, 8), that the gods and Asuras both sprung from Prajâpati, and the earth trembled like a lotus leaf when the gods and Asuras contended for mastery. We know that in the Rig-Veda, the word Asura is an adjective which means strong or powerful, and is invariably applied to gods except in the very last hymns of the last Mandala. In the Brâhmanas the word has changed its meaning altogether, and is applied to the enemies of the gods about whom many new legends are invented.

The story of Prajâpati conceiving a passion for his daughter and this being the origin of creation has already been alluded to before. Another account is given in the Satapatha Brâhmana (II, 5, 1): "Verily in the beginning Prajâpati alone existed here." He created living beings and birds and reptiles and snakes, but they all passed away for want of food. He then made the breasts in the forepart of their body (*i. e.* of the mammals) teem with milk, and so the living creatures survived.

While thus legends and speculations were springing up in the Brâhmana period, the religion and religious faith was still as in the Rig-Veda period. The gods of the Rig-Veda were still worshipped, and the hymns of the Rik, Sâman or Yajur-Veda were still uttered as texts. Only the veneration with which the gods were looked up to in the Rig-Veda period was merged now in the veneration for the sacrificial ceremonies. And superstition had increased vastly since the Rig-Veda period. Every sacrifice, every act, every movement has been laid down and described in the Brâhmanas, and no departure is allowed. Superstitious reasons are alleged for every act enjoined on the worshipper, and penances ordained for all kinds of mishaps. There are penances, for instance, if the cow sits down when being milked, or if she cries, or moves and spills the milk, or if the milk is spoilt, or the spoon is broken, or if the Agnihotri sheds tears, or if his wife or cow gives birth to twins! (Aitareya Brâhmana, V and VII.) Such are the inevitable results when priests are made the custodians of the conscience of a nation!

New gods, however, were slowly finding a place in the Hindu pantheon—names which acquired importance in later times. We have already seen that Arjuna was another name of Indra, even in the Satapatha Brâhmana. In Chapter XVI of the White Yajur-Veda, we find Rudra already assuming his more modern Pauranik names, and assuming a more distinct

individuality. In the Rig-Veda, as we have already seen, Rudra is the father of the storms, he is the thunder. In the White Yajur-Veda he is oftener described as the cloud, but is specially represented as a fearful god, and often the god of thieves and criminals, and altogether a destructive power. He is called Girisha (because clouds rest on mountains); he is called *Tāmra* or *Aruna* or *Babru* in colour (from the colour of the clouds); he is named *Nilakantha* or blue-necked (also from the same reason); *Kapardin* or the long-haired; *Pasupati* or the nourisher of animals; *Sankara* or the benefactor; *Siva* or the beneficent; and *Rudra* or the terrible. Thus in the Brāhmana period we find Rudra in a transition stage, and we already see the origin of some of the Pauranik legends about Siva. But nowhere in the Brāhmana literature do we find those legends fully developed, or Rudra represented as the Pauranik Siva, the consort of Durgā or Kālī. In the Kaushitaki Brāhman, we find great importance attached in one passage to *Isāna* or *Mahādeva*. In *Satapatha Brāhmana* we find the following remarkable passage:—"This is thy share, O Rudra! Graciously accept it together with thy sister *Ambika*!" (II, 6, 2, 9.) And in a celebrated passage in the *Mundaka Upanishad* (which, it must be remembered, is an Upanishad of the *Atharva-Veda*), we find *Kālī*, *Karālī*, *Manojavā*, *Sulohitā*, *Sudhūmravarnā* *Sphulinginī*, and *Visvarūpī* as the names of the seven tongues of fire. In *Satapatha Brāhmana* (II, 4, 4, 6), we are told of a sacrifice being performed by *Dakṣa* *Pārvati*; and in the *Kena Upanishad* we find mention of a female called *Umā* *Haimavatī*, who appeared before *Indra* and explained to *Indra* the nature of Brahman. These are a few specimens of the scattered materials in Brāhmana literature, out of which the gorgeous Pauranik legend of Siva and his consort was reared.

In the *Aitareya Brāhmana* (VI, 15), and in *Satapatha Brāhmana* (I, 2, 5), we are told the story of the gods obtaining from the *Asuras* the part of the world which *Vishnu* could stride over or cover, and thus they managed to get the whole world. It is in the last book of the *Satapatha Brāhmana* (XIV, 1, 1), that *Vishnu* obtains a sort of supremacy among gods, and his head is then struck off by *Indra*. *Krishna*, the son of *Devakī*, is not yet a deity; he is a pupil of *Ghōra Angirasa* in the *Chhândogya Upanishad* (III, 17, 6.)

While in these scattered allusions we detect materials for the construction of the gorgeous Pauranik mythology of a later day, we also find in the Brāhmana period traces of that scepticism in Brāhmanical rites and creed which broke out also at a later day in the Buddhist revolution. The *Tāndya Brāhmana* of the *Sāma-Veda* contains the *Vrātya*—stomas by which

the *Vrâtyas* or *aryans* not living according to the *Brâhmanical* system could get admission into that community. They are thus described:—"They drive in open chariots of war, carry bows and lances, wear turbans, robes bordered with red and having fluttering ends, shoes and sheep skins folded double; their leaders are distinguished by brown robes and silver neck ornaments; they pursue neither agriculture nor commerce; their laws are in a state of confusion; they speak the same language as those who have received *Brâhmanical* consecration, but nevertheless call what is easily spoken hard to pronounce." For the rest, a *Vrâtya* was not yet looked upon with contempt, and the Supreme Being is addressed in *Prasna Upanishad* as a *Vrâtya*.

VI. *The religious speculations of the Upanishads.*

It is a relief to pass on from the rituals and ceremonies of the *Brâhmanas* to the healthier and more vigorous speculations of the *Upanishads*. The *Upanishads*, we know, were generally composed about the close of the *Brâhmana* period, leaving out of course, the later *Upanishads* which come down even to the *Pauranik* period. Some impatience appears to have been felt with the elaborate and unmeaning rites, the dogmatic but childish explanations, and the mystic but grotesque and absurd reasoning which fill the voluminous *Brâhmanas*, and thinking men must have asked themselves if this was all that religion could teach. Earnest men, while still conforming to the rites laid down in the *Brâhmanas*, began to speculate on the destination of the human soul, and on the nature of the Supreme Being. Learned *Kshatriyas*, who became disgusted with the pretensions of really ignorant priests, must have given a start to these healthier speculations, or at least carried them on with vigour and success until *Brâhmanas* who were wise in their own esteem, felt their inferiority and came to them to learn something of the wisdom of the new school. And although there is much in the speculations of the new school which, after the lapse of nearly three thousand years, appears to us to be grotesque or fanciful, still it is impossible not to be struck with the vigour, the earnestness, and the independence of thought which characterise the *Upanishads*.

The idea of a Supreme Being, a Universal Spirit, an all-pervading Breath or Soul is the keystone of the philosophy and thought of the *Upanishads*. This idea is somewhat different from the Monotheism to which *Rishis* of the *Rig-Veda* had ultimately arrived, and also from Monotheism, as it has been generally understood in later days. For Monotheism generally recognises a God and Creator as distinct from the created beings; but the Monotheism of the *Upanishads*, which has been the Monotheism

of the Hindu religion ever since, recognises God as the Universal Being ;—all things else have emanated from him, are a part of him and will mingle in him, and have no separate existence. This is the lesson which Satyakâma Jabâla learnt from nature, and this is the lesson which Yâjanavalkya imparted to his beloved and esteemed wife Maitreyi. This, too, is the great idea which is taught in the Upanishads in a hundred similes and stories and beautiful legends, which impart to the Upanishads their unique value in the literature of the world.

"All this is Brahman (the Universal Spirit.) Let a man meditate on that visible world as beginning, ending, and breathing in the Brâhman. * *

"The Intelligent, whose body is spirit, whose form is light, whose thoughts are true, whose nature is like ether (omnipresent and invisible), from whom "all works, all desires, all sweet odours and tastes proceed ; he who embraces all this, who never speaks and is never surprised,

"He is my self within the heart, smaller than a corn of rice, smaller than a corn of barley, smaller than a mustard seed, smaller than a canary seed or the kernel of a canary seed. He also is myself within the heart, greater than the earth, greater than the sky, greater than heaven, greater than all these worlds.

"He from whom all works, all desires, all sweet odours and tastes proceed, who embraces all this, who never speaks and is never surprised, he—my self within the heart—is that Brâhman. When I shall have departed from hence, I shall obtain him."—*Chhândogya III*, 14.

Svetaketu, as we have seen before, stayed with his teacher from his twelfth year to his twenty-fourth, and then returned home, "having then studied all the Vedas, conceited, considering himself well read, and stern." But he had yet things to learn which were not in the ordinary curriculum of the Brâhmanic schools of the age, and his father Uddâlaka Aruneya taught him the true nature of the Universal Spirit in beautiful similes :

"As the bees, my son, make honey by collecting the juices of distant trees, and reduce the juice into one form.

"And as these juices have no discrimination, so that they might say, I am the juice of this tree or that, in the same manner, my son, all these creatures, when they have become merged in the True, know not that they are merged in the True. * *

"These rivers, my son, run, the eastern (like the Ganges.) towards the east, the western (like the Indus) towards the west. They go from sea to sea (*i. e.* the clouds lift up the water from the sea to the sky and send it back as rain to the

sea). They become indeed sea. And as those rivers, when they are in the sea, do not know, I am this or that river. * *

“Place this salt in water and then wait on me in the morning.”

The son did as he was commanded. The father said to him: ‘Bring me the salt which you placed in the water last night.’ The son having looked for it found it not, for of course it was melted.

The father said: ‘Taste it from the surface of the water. How is it?’ The son replied: ‘It is salt.’ ‘Taste it from the middle. How is it?’ The son replied: ‘It is salt.’ ‘Taste it from the bottom. How is it?’ The son replied: ‘It is salt.’ The father said: ‘Throw it away and then wait on me.’ He did so, but salt exists for ever.

“Then the father said, in this body, forsooth, you do not perceive the True, my son; but there indeed it is.”—*Chhândogya VI.*

“At whose wish does the mind, sent forth, proceed on its errand,” asks the pupil. “At whose command does the first breath go forth? At whose wish do we utter this speech? What god directs the eye or the ear?”

The teacher replies: “It is the ear of the ear, the mind of the mind, the speech of the speech, the breath of the breath, and the eye of the eye. * * * *”

“That which is not expressed by speech, and by which speech is expressed. * * That which does not think by mind, and by which mind is thought. * * That which does not see by the eye, and by which one sees. * * That which does not hear by the ear, and by which the ear is heard. * * That which does not breathe by breath, and by which breath is drawn,—that alone know as Brâhman,—*not that which people here adore.*”—*Kena Upanishad I.*

The italics are of course ours. But who does not see in the above passage an effort of the human mind to shake itself from the trammels of meaningless ceremonials and puerile rites which priests taught and the “people here” practised, to soar into a higher region of thought and to comprehend the incomprehensible,—the breath of the breath and the soul of the soul? Who is not struck by this manly and fervent effort made by the Hindu nation, nearly three thousand years ago, to know the unknown Maker, to comprehend the incomprehensible God?

And the joy of him who has comprehended, however feebly, the incomprehensible God, has been well described:

“He who beholds all beings in the Self in all being he never turns away from it.

"When to a man who understands, the Self has become all things, what sorrow, what trouble can there be to him who once beheld that unity.

"He, the Self, encircled all, bright, incorporeal, scatheless, without muscles, pure, untouched by evil; a seer, wise, omnipresent, self-existent, he disposed all things rightly for eternal years."—*Isa Upanishad*.

In the *Bṛihadâraṇyaka Upanishad* we are told that all gods are the manifestation of Self or Purusha, "for he is all gods." (I, 4, 6). And likewise that he exists in all men, in the *Brâhmaṇa*, the *Kshatriya*, *Vaisya* and the *Sûdra*.—(I, 4, 15.)

The idea of Monoism was carried to its farthest limits in the *Upanishads*—Dualism was never recognised. In the *Sāṅkhya* philosophy, which sprung up at a subsequent period, Nature is independent of Purusha; in the *Upanishads* it is not. The idea of one Universal Being was carried to the extreme limit. Everything else is a manifestation of this Being.

Our extracts on this subject have been somewhat long, but the reader will not regret it. For the idea of one Universal Being is the very keystone of the Hindu religion, and it was necessary for us to examine how this idea was first developed in India in the *Upanishads*. We will now pass on to other matters, which have also affected and shaped the Hindu religion of subsequent ages.

The creation of the world was still a mystery to those early thinkers, and the attempts to solve it were necessarily fanciful, and sometimes grotesque. A few passages should be quoted.

"In the beginning this was non-existent. It became existent it grew. It turned into an egg. The egg lay for the time of a year. The egg broke open. The two halves were one of silver the other of gold.

"The silver one became this earth, the golden one the sky, the thick membrane (of the white) the mountains, the thin membrane (of the yoke) the mist with the clouds, the small veins the rivers, the fluid the sea.

"And what was born from it was Aditya, the Sun. When he was born shouts of hurrah arose, and all beings arose and all things which they desired."—*Chhândogya* III, 19.

A different account is given in VI, 2, of the same *Upanishad* where we are told that—"In the beginning there was that only, which is,—one only without a second." And that sent forth fire, and fire sent forth water, and water sent forth the earth.

The *Aitareya Aranyaka* describes how *Prâna* the breath and his companions created the world, and then discusses the question of the material cause out of which the world was created. As in the *Rig-Veda* (X, 129), and as in the Jewish

account of creation, water is said to be the first material cause.

"Was it water really? Was it water? Yes, all this was water indeed. The water was the root, the world was the shoot. He (the person) is the father, they (earth, fire, &c.), are the sons." Mahidâsa Aitareya knew this."—(II, 1, 8, 1.)

Another speculation is started in the same Upanishad :—

"Verily in the beginning all this was Self,—one only. There was nothing else blinking whatsoever." And that Self sent forth the water (above the heaven), the lights which are the sky, the mortal which is the earth, and the waters under the earth. He then formed the Purusha. Fire was produced from this Purusha's speech, air from his nose, the sun from his eyes, the different quarters from his ear, shrubs and trees from the hairs of his skin, the moon from his mind, &c. The deities (fire, &c.), then asked for a place of rest and food. A cow was led to them, and then a horse, and then a man, and they were satisfied with the man. Then *Mûrti*, Matter, was produced from water, and thus food was produced.

A story is told in the Brihadâraṇyaka that in the beginning there was the Self alone, and he made himself into two parts, male and female, and the pair took different shapes successively, and men, cows, horses, asses, goats, sheep and all other creatures were born.

Such were the futile attempts made in India, in ancient ages, to solve the great mystery of creation, which it has not been given to man, either in the ancient or in modern times, to solve. One great generalisation was conceived by the early philosophers of India,—they discovered a harmony or unity in the creation and the Universe, and that unity was variously styled by them Brahman or Atman, Purusha or Self.

Similar guesses were made, imperfect and often fanciful, but nevertheless in a fervent spirit of piety, as to the destination of the Soul after death. The central idea is that which has been adopted as the cardinal principle of the Hindu religion, that good acts lead to their rewards in future existences, but it is true knowledge only which leads to union with the Universal Spirit. "As here on earth, whatever has been acquired by exertion, perishes, so perishes whatever is acquired for the next world by sacrifices and other good actions performed on earth. Those who depart from hence without having discovered the Self, and those true desires, for them there is no freedom in all the worlds."—*Chhândogya VIII, 1, 6.*

The doctrine of transmigration of souls, of which we have found no trace in the Rig-Veda, is fully developed in the Upanishads. Chitra Gāṅgāyani, the Kshatriya king, explained to Uddâlaka Aruni and his son Svetaketu, of whom we

have had repeated mention before, and who came to the Kshatriya for instruction, that departed spirits go to the moon, and the moon sends them back to be born again. "And according to his deeds and according to his knowledge he is born again here as a worm, or as an insect, or as a fish, or as a bird, or as a lion, or as a boar, or as a serpent, or as a tiger, or as a man, or as something else in different places." An account then follows of the passage of the dead to the world of Agni, to the world of Vayu, to the world of Varuna, to the world of Prajâpati, and to the world of Brahman. "In that world there is the lake Ara, the mountains called Yeshtiha, the river Vijarâ (age-less), the tree Ilya, the city Sâlaajya, the palace Aparâjita (unconquerable), the door-keepers Indra and Prajâpati, the hall of Brâhman called Vibhu, the throne Vichakshanâ (perception), the couch Amitaujas (endless splendour), and the beloved Mânasî (mind), and her image Châkshushî (eye), who, as if taking flowers, are weaving the worlds." And there he meets Brahman.—*Kaushîtaki I.*

The above passage is a remarkable instance of the process by which simple metaphors and similes of poets lent themselves into the formation of those gorgeous legends of which the later Purânas are full. We cannot fail to see that the passage simply describes how the soul passes into Brâhman, and the throne of perception and the couch of splendour and the beloved mind are simple metaphors. In the Purânas the metaphors have been crystalized into legends, and can no longer be distinguished as metaphors :

A somewhat similar doctrine of transmigration is also taught by the Kshatriya king, Pravâhana Jaibali to the same Svetaketu, son of Uddâlaka Aruni. The passage of the soul through various stages to the moon is described :

"Having dwelt there, till their (good) works are consumed, they return again the way as they came, finally in the form of rain.

"Then he is born as rice and corn, herbs and trees, sesamum and beans. From thence the escape is beset with difficulties. For whoever the persons may be that eat the food, and beget offspring, he thenceforth becomes like unto them. Those whose conduct has been good will quickly attain some good birth, the birth of a Brâhman or a Kshatriya or a Vaisya. But those whose conduct has been evil will quickly attain an evil birth, the birth of a dog or a hog or a chandâla."—*Chhandogya V*, 10.

The doctrine of transmigration of souls is again fully and beautifully explained in the Brihadâraanyaka (IV, 4), and we will make one extract from that Upanishad :

"As a caterpillar, after having reached the end of a blade of grass, and after having made another approach to another

blade, draws itself together towards it, thus does the Self, after having thrown off this body, and dispelled all ignorance, and after making another approach to another body, draw itself together towards it.

"And as a goldsmith, taking a piece of gold, turns it into another newer and more beautiful shape, so does the Self, after having thrown off this body, and dispelled all ignorance, make unto himself another newer and more beautiful shape, whether it be like the Fathers, or like the Gandharvas, or like the Devas, or like Prajâpati, or like Brahman, or like other beings.* *

"So much for the man who desires. But as to the man who does not desire; who, not desiring, free from desires, is satisfied in his desires, or desires the Self only, his vital spirits do not depart elsewhere; being Brahman, he goes to Brahman. * *

"And as the slough of a snake lies on an outhill, dead and cast away, thus lies the body; but that disembodied immortal spirit is Brahman only, is only light."

Beautiful, indeed, are the passages which describe the final emancipation of the soul and its union with Brahman. A little further on, after the passage quoted above, occurs the following passage from which the reader will see that the Buddhist idea of Nirvâna arose out of the Hindu idea of union with Brahman:

"He, therefore, that knows it, after having become quiet, subdued, satisfied, patient, and collected, sees self in Self, sees all in Self. Evil does not overcome him, he overcomes all evil. Evil does not burn him, he burns all evil. Free from evil, free from spots, free from doubt, he becomes a true Brahmana;—this is the Brahma world."

Still finer is the hymn of triumph with which the soul comes to Brâhman:

"I come to the hall of Prajâpati, to the house: I am glorious among Brâhmans, glorious among princes, glorious among men. I am glorious among the glorious—*Chhândogya VIII, 14, 1.*"

This beatitude, this union with Brahman or Self, was what Death taught Nachiketas in that beautiful idyll of an Upanishad called Katha. We will close the present paper with an extract from that beautiful creation of fancy and of piety. We should remind our readers, however, that Katha is very likely an Upanishad of the Atharva-Veda, and apparently belongs to a later age than the other Upanishads from which we have quoted before.

Nachiketas was given by his father unto Death and entered the abode of Yama Vaivasvata, and asked him for three boons, the last of which is this:

"There is that doubt, when a man is dead;—some saying, he is; others, he is not. This I should like to know taught by thee, this is the third of my boons."

But Death was unwilling to reveal his secrets, and told Nachiketetas to ask for other boons.

"Choose sons and grandsons who shall live a hundred years, herds of cattle, elephants, gold, horses. Choose the wide abode of the earth, and live thyself as many harvests as thou desirest.

"If you can think of any boon equal to that, choose wealth and long life. Be king, Nachiketetas, on the whole earth. I make thee the enjoyer of all desires.

"Whatever desires are difficult to attain among mortals, ask for them, any thing to thy wish ;—these fair maidens with their chariots and musical instruments,—such are indeed not to be obtained by men ; be waited on by them whom I give thee, but do not ask me about dying."

Nachiketa said : "These things last till tomorrow, O Death, for they wear out this vigour of all the senses. Even the whole of life is short. Keep thou thy horses, keep dance and song for thyself."

Pressed by the pious enquirer, Death at last reveals the great secret, which is the principle of all the Upanishads and the principle of the Hindu religion.

"The wise who, by means of meditation on his Self, recognizes the Ancient, who is difficult to be seen, who has entered into the dark, who is hidden in the cave, who dwells in the abyss, as God,—he indeed leaves joy and sorrow far behind.

"A mortal who has heard this and embraced it, who has separated from it all qualities, and has thus reached the subtle Being, rejoices because he has obtained what is a cause for rejoicing. The house of Brâhman is open, I believe, O Nachiketetas !"

Who can, even in the present day, peruse these pious enquiries and fervent thoughts of a long buried past, without feeling a new emotion in his heart, without seeing a new light before his eyes ! The mysteries of creation and of the unknown future will never be solved by human intellect or by human science ; but the first recorded attempts to solve them in a pious, fervent, philosophical spirit will ever have an abiding interest for every patriotic Hindu and for every thoughtful man.

In the words of the eminent German writer and philosopher Schopenhauer : "From every sentence deep, original and sublime thoughts arise, and the whole is pervaded by a high and holy and earnest spirit. Indian air surrounds us, and original thoughts of kindred spirits. * * In the whole world there is no study except that of the originals, so beneficial and so elevating as that of the *Oupnekhat*, (Latin translation of the Upanishads.) It has been the solace of my life ; it will be the solace of my death."

R. C. DUTT, C S.

ART. V.—COMPARATIVE PENAL LAW. III.

[Continued from the October 1887 No., p. 379.]

Breach of Contract.

AS a general rule, criminal proceedings are not, and should not be, permitted for breaches of contract, as (1) there is generally no injury to the public or community at large ; and (2) full compensation being generally obtainable, the liability to compensate (with the addition of costs) is likely to be, in most cases, a sufficient deterrent. But positive reasons for adding a criminal to the civil sanction are not absent, and where they exist, constitute exceptions to one or the other of these two heads. Chapter XIX of the Indian Penal Code, which deals with this subject, is headed—"Of the criminal breach of contracts of service ;" and the reasons why criminal breaches of contracts should generally partake of this character are four-fold, namely ; that they involve harm of a kind which money cannot repair ; that the promisor knows that such harm is likely to result from his omission ; that the promise might be kept with comparatively little trouble ; and lastly, that the promisor is so poor that a civil action would be futile. A workman is more likely to be poor than his employer, and it was principally on this ground that in England, up to the year 1867, a workman was liable to be sent to prison for breaking his contract of service, and that in India the indigo-planters of Bengal wanted to make the ryots liable to imprisonment for non-fulfilment of contracts to cultivate indigo. Those cases, in which the breach of contract is likely to cause death, irreparable damage, or at least very serious injury to person or property, constitute an exception to the first of the two heads mentioned above

Section 490 * of the Indian Penal Code deals with breaches

* "Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person or any property from one place to another place, or to act as servant to any person during a voyage, or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to Rs. 100, or with both." Illustration (a) is as follows : "A. a palanquin-bearer, being bound by legal contract to carry Z. from one place to another, runs away in the middle of the stage. A has committed the offence defined in this section." The maximum punishment is not excessive, considering that the person abandoned might be an invalid or otherwise helpless.

of contract to render personal service during a voyage or journey. The position of a European traveller (perhaps a lady) abandoned by palki-bearers at night, or at noon-day under a tropical sun, may be easily imagined by those who have been in India, or even not further east than Egypt. The difficulty of getting anything to eat or drink, even for those who know the language, constitutes in some parts of the country something more than a serious inconvenience; it might, under some circumstances, and especially if ignorance of the people and the language were superadded, constitute a positive danger. Coolies and palki-bearers are men who live from day to day, and the idea of getting monetary compensation from them is absurd. On this subject the framers of the Code remark: "It is often necessary for travellers of the upper classes, even for English ladies, ignorant perhaps of the native languages, and with young children at their breasts, to perform journeys of many miles over uninhabited wastes, and through jungles in which it is dangerous to linger for a moment, in palanquins borne by persons of the lowest class. If, as sometimes happens, those persons should set down the palanquin in a solitary place and run away, it is difficult to conceive a more distressing situation than that in which their employer would be left. None but very high damages would be any separation for such a wrong. But the class of people by whom alone such a wrong is at all likely to be committed can pay no damages. The whole property of the delinquents would probably not cover the expense of prosecuting them civilly. It therefore appears to us that breaches of contract of this description may, with strict propriety, be treated as crimes." The necessity for protecting travellers has, as might have been expected, been experienced in a country like the Russian Empire, and the Penal Code of Russia* prescribes rigorous penalties not only against professional guides who run away and leave travellers, but also against private persons who abandon their comrades under circumstances in which the abandonment may have fatal consequences for the latter.

Section 491 punishes with three months' imprisonment breaches of contract to attend on and supply the wants of helpless persons; and section 492 deals with the breach of a contract to serve for not more than three years at a distant place, to which the servant is conveyed at the master's expense, provided the service is reasonable and proper, and the employer has not been guilty of ill-treatment or of any breach of his own promises. The place must be within British India, so that the section covers the case of inland emigration to the

* Russ. P. C., Art. 1517 *et seqq.*

tea-gardens of Assam and Cachar, but not emigration to Demarara, Trinidad, or the Mauritius.

I know of only one statute in England which penalises breaches of contract, pure and simple. These breaches are an exception to the first of the two heads specified above, that is, the harm they cause, or may cause, is of a public or far-reaching character. They are *wilful and malicious* breaches of contract to supply gas or water, knowing, or having reasonable cause to believe, that the inhabitants may probably be deprived wholly or to a great extent of gas or water, or similar breaches of *any contract of service*, knowing, or having reason to believe, that the probable consequence will be to endanger human life, or cause serious bodily injury, or expose valuable property to destruction or serious injury.* Such acts constitute a curtailment of the otherwise unlimited right to strike, which is conferred by section 3 of the Statute ;† and, so far as I know, they are the only instances in which pure breaches of contract are criminally punishable in England. There are, no doubt, some provisions of law, which deal with apparent breaches of contract ; for instance, Art. 394 of Stephen's Digest mentions an employer's breach of contract towards the seamen engaged by him ; but this is really a breach of a duty imposed by law in consequence of the contract, and other similar breaches of legal duties may be enumerated, such as wilful neglect to provide food and clothing for apprentices or servants, or wilful neglect of a patient in a lunatic asylum. These are acts which, under certain circumstances, might amount to manslaughter or murder, and as such, they would be punishable also under the Indian Penal Code. To revert to India, the breaches of contract enumerated above are only those with which the Penal Code deals ; but there are one or two other acts, similar to the non-supply of gas or water, which are made punishable by local or special Acts. Municipal Acts make it an offence punishable with a month's imprisonment or fine, for *conservancy* sweepers to resign their duties unless they have given one month's notice. The necessity for such a rule is palpable in a country,

* 38 and 39 Vic, c. 86, ss. 4,5.--Section 7 punishes certain acts of intimidation in order to compel another to break his contract. The words used are general ("to compel any person to abstain from doing any act which he has a right to do, &c."), though not so general as the definition of criminal intimidation in the Indian Penal Code (503). I believe, however, that the offence is, broadly speaking, restricted to trade disputes.

† This section alters the common law of conspiracy with regard to trade disputes, and enacts that an agreement or combination by two or more persons to do, or procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen, shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime.

where scavenger's work is only performed by one caste, and Municipalities have sometimes to import members of such caste at considerable expense from other districts. In this case both principles are applicable. The sweepers are generally not men of such substance that civil suits would be an adequate remedy; while their leaving off work in a body would constitute a positive danger to the community at large. Such an act is essentially a public offence, and the swift action of the criminal law is requisite for the protection of society. Again, Act V. of 1861 (Police Act) renders a constable liable to three months' imprisonment, or to a penalty not exceeding three months' pay, if he resigns without the permission of his superior officer, or without giving two months' written notice of his intention to resign. This Act, which is also punishable in England, partakes of the dual character of a breach of legal duty and a breach of contract of service.

I should not omit to mention also Act XIII of 1859, which permits of the criminal punishment of artificers, workmen, or labourers, who, having received money in advance on account of any work, *wilfully and without lawful or reasonable excuse*, neglect or refuse to perform such work. The Magistrate may, at the option of complainant, either order specific performance or repayment of the advance, and non-compliance with such order renders the defaulter liable to three months' imprisonment with hard labour. The words I have italicised impart to the omission a distinctly criminal element; and it is not easy to see why some Local Governments have been chary of extending the the provisions of the Act even to large towns. The Act is in force throughout the Punjab, Coorg, the Bombay Presidency, and the greater part of Lower Burmah; and it has even been extended to certain scheduled districts in the Lower Provinces. It is not uncommon for natives in this country to take advances, only intending to work out a portion of the advance, and to misappropriate the remainder; * and there can be no doubt that employers of labour in this country cannot recover any thing due from their employees with the same facilities as in England: even if a decree be gained, the employee absconds, or there is no property to attach. Moreover, in India, the same moral obloquy does not attach to the misappropriation of

* This act is cheating. See illus (f) and (g) of Sec. 415. P. C. The difficulty of proving the intent, constitutes a reason for the extension of Act XIII of 1859. It is surely rather hard on capitalists that Local Governments should hesitate to allow the punishment of a man, who takes an advance and then *wilfully and without lawful or reasonable excuse* refuses to do the work. The necessity for proving these ingredients should eliminate all chance of oppression.

money as in England, and hence there are less deterrent motives for abstaining from such an offence. For these and other reasons I don't think any squeamishness should be shown in extending the provisions of the Act to all places where labour is extensively employed.*

There are, then, in England only two cases in which a pure breach of contract is a penal offence, and in both these cases we have the elements of criminality, for the breach must be *wilful and malicious*. Let us now turn to the continent, and we shall see that the existence of a strong and powerful executive enables continental statesmen and legislators to penalise certain classes of acts in a manner which might shock or offend public sentiment in England.† In Austria, a simple breach of contract to supply stores, or a failure to supply them conformably to the contract, to troops in the field at a time of war, is punishable with two years' imprisonment and a fine of 2,000 florins. Sub-contractors and intermediate agents are punishable, if guilty of negligence, but not otherwise; but it is worthy of observation that the contractor himself is punishable for a mere failure to perform, quite apart from any question of negligence. Those who contract merely to *transport* troops or stores of war are in a more favourable position than those who contract to *furnish* stores; that is to say, they are only punishable, if the transport could not be properly carried out owing to their acts, intentional omissions, or negligence. It goes without saying that great military powers like Germany and France, with enormous standing armies, should have similar provisions. In these countries as well as in Belgium,‡ simple delay in the delivery of stores in time of war is punishable; the additional elements of negligence or imprudence enhancing the punishment to two years' imprisonment. Moreover, some other breaches of contract are punishable; for instance, a failure to deliver food in time of famine, or to prevent a public calamity. Turning to the Penal Code of Holland we should infer, without further knowledge on the point, that, the Dutch not being such a military nation, and not so pressed

* A former Law Member of the Government of India has remarked that much inconvenience has been felt in consequence of the Act not applying to contracts for domestic or personal services. Sec. 3 B. L. R. A. Cr. 32.

† It is perhaps open to doubt whether this shock would be so great since the revelations concerning cock-screw bayonets and cutlasses. Indeed, naval and military men generally appear to be of opinion, that somebody ought to swing in consequence of these disclosures. But it is to be feared that there are many members in the House of Commons, who would far sooner see the British Empire weakened or ruined, than assent to any new departure in policy or legislation, which might encroach on the sacred liberty of the British citizen.

‡ Fr. P. C., 430; Germ. P. C., 329; Belg. P. C., 292.

by military necessities, the criminal law would not penalise simple delay or negligence. So we find that the code punishes * only *acts of fraud* in the delivery of articles necessary for the fleet or the army, by which the safety of the State may be endangered in time of war. It is sufficient, however, that the things are supplied during a time of peace, if the act is likely to compromise the safety of the State during a time of war ; so that this section, if any fraud could be proved, would cover the case of supplying worthless cutlasses and bayonets to the Admiralty and War Office. But if this provision is of a less rigorous nature than those in the codes of Austria, Hungary, Belgium, France, and Germany, the Dutch are too sensible a people to shrink from prescribing equally stringent penalties against breaches of contract by which personal safety or property may be threatened or endangered. Every precaution is taken to preserve the natural sand-hills and artificial dykes from the invading ocean ; the former are sown with binding grasses, and it is a criminal offence to kill the stork, as it eats the frogs and worms, which would otherwise do injury. We are not, then, surprised to find that to cause an inundation intentionally is regarded as a very heinous offence,† and to cause one by the merest fault or negligence, is punishable with from three months to a year's imprisonment, according to the results ;‡ while fraudulent breaches of contract by those who undertake the repair of the einbankments are punishable with as much as six years' imprisonment.

In conclusion, the laws above quoted furnish good and ample precedents for special legislation, should it be considered by English statesmen and legislators that the interests of the State, and therefore of the tax-payers, require more adequate protection in any direction from negligent or dishonest contractors. There are certainly strong grounds for thinking that the Indian Government should be placed in a stronger and more secure position than it is in at present. The last decade has witnessed the somewhat extraordinary spectacle of contractors supplying Indian troops with worthless stores, and then adding insult to injury by suing the Government for refusing to pay their demands in full. In such cases it is anomalous that there should be any resort to the ordinary Civil Courts, and no nation but the

* Code Pénal des Pays-Bas, 332. The punishment is a maximum of six years' imprisonment. Art. 331 punishes similar acts in the carrying out of any work, or in the supply of materials, which may cause danger to person or property (at any time), or to the State in time of war.

† Penal Code, 157 : imprisonment for 12 years, if there is common danger to property ; 15 years, if danger of death for any person ; 20 years, or for life, if the death of any person is actually caused.

‡ *Ibid*, 158.

English would give the latter jurisdiction. In other countries such matters are decided either by some member of the administration, or at most in "administrative"* or executive courts (tribunaux administratifs.) Whether some of the provisions I have above referred to should be incorporated in a more or less modified form in the Indian criminal law, is a matter that is worthy of the serious consideration of the Foreign and Military Departments of the Government of India.

Offences against Marriage and the Relations of the Sexes.

Some years ago a judge of the highest court in one of the Provinces of British India, while reducing a sentence passed by a subordinate court for the offence of adultery, remarked from the bench that such prosecutions were to be deprecated, as *adultery did not constitute a criminal offence in the civilised countries of Europe!* A passage in paragraph 20 of the Government Resolution on the Bengal Police Report for the year 1886, indicates that such abysmal ignorance is not exceptional. From that passage it appears that, during the year 1886, there were 4,050 complaints of offences relating to marriage, but only 244 convictions! The inference is just and legitimate, that the small percentage of convictions may be due to the prevalence of hazy notions regarding the law of other countries on this subject. A monograph on comparative penal law would be incomplete without some mention of these offences; but I recognize the advisability of avoiding controversial discussion regarding them in the pages of a general Review. I shall, therefore, confine myself to an epitome of the law, and to a brief statement of a few suggestions which appear to be worthy of consideration.

* The separation of powers (séparation des pouvoirs) in France and other continental countries means that, just as the ordinary Judges are independent of the executive, so the Government and its officials, whilst acting officially, are independent of the ordinary Courts. In France the ordinary Judges are incompetent to pronounce judgment on any executive act (acte administratif), that is, any act done by any official *bona fide* in his official character. If a minister, a prefect, a magistrate, or a policeman commits acts in excess of his legal authority (excès des pouvoirs), the rights of the individual aggrieved must be determined by "administrative law" and in "administrative courts." I shall shortly publish a separate essay on the necessity for a *droit administratif* and executive courts in India. Our policy of letting anything and everything drift into the maelstrom of the Civil Courts bids fair to ruin the country and the administration. A very large proportion of the time of the Calcutta High Court is taken up in deciding cases relating to the *procedure* of Revenue Courts, e.g., whether a sale for arrears of revenue has been properly advertised, held, or conducted! The Civil Courts should have no jurisdiction in such matters. As to jurisdiction in revenue and rent matters, Bengal would do well to take a leaf from the statute-book of other provinces.

In most of the countries of Europe, the husband and wife are equally punishable for adultery; this is so in Russia, Germany, Denmark, Holland, and Hungary. In Russia* the punishment is imprisonment from four to eight months, or (in the case of a woman) relegation to a convent. In Germany† the imprisonment extends to six months, but there can only be a prosecution after a decree for divorce has been pronounced in consequence of the adultery. A similar restriction exists in Hungary‡ except that a decree for separation is sufficient; the maximum imprisonment is three months. Both in Germany and Hungary, the paramour as well as the husband and wife are punishable. Art. 241 of the Dutch Penal Code punishes with six months' imprisonment (1) the married person who commits adultery (2) the unmarried person who does so, knowing that his or her paramour is married. In Denmark§ the law appears to be the same, but the punishment is fine only, if the husband and wife had ceased to live together, and there are other extenuating circumstances. In France, both the wife and her accomplice are punishable with from three months to two years' imprisonment, while the latter is liable in addition to pay a fine of from one hundred to two thousand francs. The husband, however, is not punishable for simple adultery, but he may be prosecuted, on the complaint of the wife, for keeping a concubine in the conjugal house, the penalty being a fine of from one hundred to two thousand francs; in Belgium he is further liable to imprisonment for from one month to one year.||

It is probable that adultery and certain other offences against morality were never made criminal offences in England, as they were taken cognizance of, and often severely punished by, the ecclesiastical courts.¶ In America** adultery and even fornication is punished as a common-law offence, if so open and notorious as to amount to a public nuisance, while in many of the States these acts have been made statutory offences.†† In India the definition of adultery is narrowed, and is confined to

* P. C. Tit. xi.

† P. C. 172.

‡ P. C. 246.

§ P. C. 159.

|| French P. C. 336, 339; Belg.

P. C. 389.

¶ In one case a woman was fined £2,000 for notorious adultery. Cal. of State Papers, 1633-34, p. 418. The courts sometimes interfered in quarrels between married people. Thus "Nicholaus Elyott rotator officio quod non tractat Margaretam uxorem suam maritali effecione."

** Bisnop, Cr. Law. i. 38. 7th Ed.

†† The law goes dangerously far in some States. In Connecticut, where adultery is felony, *an unsuccessful enticement to it has been adjudged to be an indictable attempt!* Otherwise in Pennsylvania, where the act is only a misdemeanour. *The State v. Avery*, 7 Conn. 266; *Smith v. Commonwealth*, 4 Smith, Pa. 209. See Bisnop, Stat. Crimes, 625, 654, 655.

its commission with a married woman, while the woman herself is not punishable. The reasons given by the framers of the Code for not punishing the inconstancy of the woman are far less applicable now than when they were written. "To make laws for punishing the inconstancy of the wife while the law admits the privilege of the husband to fill his zenana with women, is a course which we are most reluctant to adopt. We are not so visionary as to think of attacking by law an evil so deeply rooted in the manners of the people of this country as polygamy. We leave it to the slow, but we trust, the certain operation of education and of time." These two potent factors have done their work, and Hindus, * generally speaking, are now monogamists. Hindu wives of the upper classes are not the tame subservient creatures that many suppose them to be, but are well able to take care of themselves. As to the lower classes, the practice of keeping a concubine in the conjugal house is no doubt a fertile source of quarrels and disturbance; but, following the analogy of the French and Belgian Codes, this should be made a criminal offence. The Chinese Penal Code † punishes the adulteress, and such a practice is entirely in harmony with the ideas and feelings of all oriental nations. Along the frontiers of the Panjab, inhabited by fierce and warlike races, the legislature have had to penalise the adultery of married women. ‡ Other races of India may not be naturally fierce and warlike; but the jealousy of the East arises not from love only, but from customs, manners, and social laws, and even from religion. Such jealousy may be cold, and even joined with indifference and contempt, but it is always terrible, and thirsts for revenge. The present exemption of women—and this is practically what the remarks of the framers of the Code amount to—proceeds on the assumption that they are cattle or slaves, without independent volition, and not responsible for their actions. The inconstancy of wives in India not only leads to the commission of crimes of violence, but is also a fruitful source of intrigue, false charges, plotting, and even civil litigation. The liability of the woman to punishment would greatly reduce these evils, and I venture to think it would give an immense impetus to the emancipation of women

* There is even a strong feeling among Mahommedans against taking a second wife without some reasonable cause, as *e. g.*, the barrenness of the first wife.

† China P. C. 366, 367.

‡ Reg I. 1872, s. 8, repealed and re-enacted in the Panjab Frontier Crimes Regulation, IV of 1887, s. 32. See also s. 7 of the Sindh Frontier Regulation of 1872. According to the laws of Manu, the adulterous wife was to be devoured by dogs in a public place, and the adulterer burned slowly to death on a red-hot iron bed.

from the zenana. Montesquieu,* speaking of Eastern countries, remarks: "There are climates where the impulses of nature have such force, that morality has almost none. If a man be left with a woman, the temptation and the fall will be the same thing; the attack certain, the resistance none. In these countries, instead of precepts, they have recourse to bolts and bars." But it may be said that the legislature now sets Indian husbands the example in the matter of treating women as irresponsible cattle. By extending the penalty in section 497 of the Penal Code to Hindu and Mahomedan wives, the Legislature would show their desire to place women on the same footing as men; and this example would surely re-act on Indian husbands, and would tend to raise the status of women, to increase their freedom of action, and remove or lessen the necessity for "bolts and bars." It may be said that false charges might be brought against women, as happened in the Roman republic; but this was owing to the fact that public accusations were required in Rome, whereas at the present day, in most civilized countries, prosecutions can only be instituted by the husband. Public accusations in Rome came to an end with the establishment of monarchy. Montesquieu† alludes to the Julian law, which ordained that a woman should not be accused of adultery, till after her husband had been charged with favouring her irregularities. This, he remarks, limited greatly, and annihilated as it were, this sort of accusation. One of the objects of the Julian law was to prevent consenting and conniving husbands from making capital out of the criminal law.

As regards the offence of bigamy, there are one or two points worthy of consideration. Neither in England nor in India does the law apply to any person, whose husband or wife shall have been continuously absent and not heard of for a period of seven years. It is submitted that the legislature should declare that, though such period has not elapsed, yet proof of a *bonâ fide* belief of the death of the first husband or wife should entitle to an acquittal. The proviso in 24 and 25 Vict., c. 100, s. 57 is, that a second marriage, after seven years' ignorance as to the life of the first husband or wife, *shall not* be criminal. Sir James Stephen in his Digest suggests that a person may not be guilty, even though seven years have not passed. Suppose a woman saw her husband fall overboard in the middle of the Atlantic, and saw a boat go out to search for him and return without him; suppose that she took out administration to his estate, heard nothing of him for five years, and then married again, would she be guilty of

* Esp. des Lois, bk. xvi. 8.

† Esp. des Lois, vii. 11.

bigamy, if by some wonderful chance he had escaped? Surely not. This view was taken by Denman and Amphlett JJ. in the case of *R. v. Moore*,* tried at Lincoln in 1877. It is embodied in the Penal Code of Louisiana:† “A person having a wife or husband living, who shall, *without having a reasonable cause to believe such wife or husband to be dead*, contract a second marriage, is guilty of bigamy.” Art. 578 enacts that the absence of the first wife or husband for five years without intelligence is to be considered a reasonable belief of death. The law is much the same in New York,‡ and any person may marry again, whose wife or husband has been sentenced to imprisonment for life. The new Divorce Act in France includes a ‘severe criminal sentence’ among the grounds for divorce.

The following suggestions are well worthy of the consideration of the English and Indian Legislatures:—

1. Should not the period of absence be reduced from seven to five years?
2. Should it not be declared that a *bond fide* belief of the death of first husband or wife, is a sufficient defence to a prosecution for bigamy?§
3. Should not the permanent insanity of husband or wife or a sentence of five years’ imprisonment be a ground for divorce, and a complete defence to a prosecution for bigamy?

As to a sentence of imprisonment for crime, this is a ground for divorce in nearly all the States of America. In some States the sentence must be for life: in Massachusetts it need only be for five years: in Vermont, Michigan, Wisconsin, Nebraska and Arizona for three years: in Pennsylvania, Idaho, and Georgia for two years: and in Minnesota for any term. In some States the marriage is at once dissolved by the fact of conviction, without any judgment of divorce or other legal process; in others, on the application of the other party.||

In England seduction is a ground for an action for damages *per quod servitium amisit*; but neither in England nor India is seduction *per se* a criminal offence. All right-minded men

* 13 Cox, C. C. 544; also *R. v. Horton*, 11 Cox, C. C. 670. But *contra R. v. Gibbons*, 12 Cox, C. C. 237, and *R. v. Bennett*, 14 Cox, C. C. 45. Q—Who shall decide when judges disagree? A.—The Legislature.

† Lou. P.C. 577, 578.

‡ N. Y. P.C. 298, 299.

§ Perhaps *some* lapse of time should be insisted on. As regards the Enoch Arden case, it is the law in some American States, that one party to a marriage, who marries again on the false rumour of the other's death, when such other has been absent *two* years, is not liable to the penalties of adultery or bigamy, but the one not twice married may, on return, elect to have the former wife or husband restored, or the first marriage dissolved.—Stimson's Stat Law, p. 670.

|| *Ibid.* pp. 687, 688.

will probably agree that the seduction of a chaste girl *under promise of marriage* should be made a criminal offence. Such seduction could actually be punished in India as cheating, but it would not be covered by section 3, (2) of the Criminal Law Amendment Act,* as in England false pretences and false representations must relate to some existing fact, and not to the performance of an act in the future. Livingston remarks, in his Introductory Report to the Code of Crimes and Punishments for Louisiana: "Seduction is not, I believe, punishable in England, unless preceded by a conspiracy. Yet, if we consider the base profligacy of the act, by which the most implicit confidence is destroyed, and the most solemn promises are deliberately broken, not only to the utter ruin of the unsuspecting victim, but to the disgrace and misery of her connexions, it is one in which the immorality of the act and the misery it inflicts both require exemplary punishment." Sec. 342 of the Louisiana Penal Code punishes the seduction of a woman of *good reputation under promise of marriage*. By sec. 284 of the New York Penal Code "a person who, *under promise of marriage*, seduces and has secret intercourse with an unmarried female of *previous chaste* character, is punishable with imprisonment for not more than five years, or with fine not exceeding 1,000 dollars, or with both." The subsequent intermarriage of the parties, or the lapse of two years from the commission of the offence, is a bar to a prosecution. In Germany † the seduction of a chaste girl under the age of sixteen years is punishable with one year's imprisonment: no promise of any sort is necessary, but there can only be a prosecution on the complaint of the parents or guardian. The Hungarian Penal Code ‡ uses the words "young respectable girl," and the age is reduced to fourteen, while the maximum imprisonment is five years. The Danish law requires that the girl should be more than twelve and under sixteen years of age; and there can be no prosecution except on the complaint of parents or guardians. The Danish differs from the Hungarian law in requiring "seduction." On this point the Dutch Code § is the same as the law in Hungary, but two periods are named, the maximum imprisonment being twelve years, if the girl be under twelve years of age, and eight years if she be more than twelve and under sixteen; in the latter case private sanction is necessary for a prosecution. The Criminal Law Amendment Act has omitted to penalise seduction under promise of marriage, while the provision that the mere act of connexion with a girl under sixteen

* 48 and 49 Vict. c. 69.

† P. C. 182.

‡ Hung P. C. 236. In this case seduction is not necessary, the act being an offence.

§ P. C. 244, 245.

years of age, though of known immoral character, has ludicrously overstepped the bounds of sound and reasonable legislation:

Finally, the happiness and security of Hindu and Mahomedan marital life would be enhanced by making proxenetism a criminal offence, as it is in most continental countries. In this matter again the provisions of the Criminal Law Amendment Act are absurd and indefensible, and could never have been passed but for the frenzy of excitement and indignation aroused by the pseudo-revelations and fictitious garbage of the *Pall Mall Gazette*. The first clause of section 2 of that Act is so general as to be perhaps unworkable, or if worked, will cause far more harm than good. The mischief aimed at in the laws of other countries is *habitual* proxenetism, or proxenetism *for gain*. Sec. 334 of the French Penal Code uses the words "habitually;" the German Code* uses the words "habitually, or for an interested motive"; the Louisiana Code "for gain"; the Dutch Code † "intentionally and for the purpose of gain"; the Danish ‡ Code "for payment," and so on. This is but one instance of the importance to lawyers and legislators of a knowledge of the criminal laws of other countries on the same subject-matter. As to the Criminal Law Amendment Act, its sins of omission and commission are equally conspicuous. It is not too much to say that, had there been half-a-dozen criminal jurists in the House of Commons, some of the provisions of this Act would have been on the statute-book half a century ago, while others would have been rejected as ludicrous.

The proxenetism of parents and guardians is properly punished with great severity, the maximum punishment in most of the Continental Codes being from five to six years imprisonment. It is well known that this offence (not punishable in India) is very rife in Bengal, and it is by penalising such acts, that the Legislature might do much to raise the general standard of morality. The practice being prevalent and even ingrained, punishment should be mild at first; but morality and legislation, as Bentham has remarked, have the same centre though not the same circumference. The constant tendency of the former is to follow in the footsteps of the latter, and an Occidental Legislature in an Oriental country can, in certain matters, do much to accelerate a people's social and moral progress by legislating in accordance with the opinions of the more honourable portion of the community, or at any rate, somewhat in advance of the normal standard of the masses.

* P. C. 180.

| † P. C. 250.

‡ P. C. 182.

Defamation.

The principal differences in the English and Indian law of defamation appear to be the following :—

- (1.) The Indian law makes no difference between words, spoken and words written or printed : in England spoken words, no matter how gross may be the imputations conveyed in them, furnish ground for a civil action only ;
- (2.) The English doctrine as to libel being an offence as tending to breaches of the peace is unknown to the Indian law. The English theory is illogical, and has not failed to produce considerable inconvenience ;
- (3.) In India a privileged communication must be made in good faith : there appear to be some exceptions in England to this very salutary rule ;
- (4.) Where a communication is made to some person by way of caution, it need not be shown in India that the accused was under any special obligation to warn such person ;
- (5.) There is no exact equivalent in the code to the privilege accorded in England to newspaper reports of public meetings, on condition of the editor consenting to insert any reasonable contradiction or explanation.

The definition of defamation in the Indian Penal Code is amplified and made more precise by four explanations. The first relates to—

Defamation of deceased persons.

In the case of *R. v. Topham* * it was said by Lord Kenyon, C. J. : “ Now to say, in general, that the conduct of a dead person can at no time be canvassed ; to hold that, even after ages are passed, the conduct of bad men cannot be contrasted with the good, would be to exclude the most useful part of history, and, therefore, it must be allowed that such publications may be made fairly and honestly. But, let this be done whenever it may, whether soon or late after the death of the party, if it be done with a malevolent purpose, to vilify the memory of the deceased, and with a view to injure his posterity, then it is done with a design to break the peace, and then it is illegal.” In this connection the rule as to probable breach of the peace is not out of place, but a more recent case, tried before Mr. Justice Stephen, shows that the Legislature should more precisely define the limit to which prosecutions may be instituted by the relatives of deceased persons. The Indian Code requires that the imputation should be “ intended to be

* 4 T. R. 126, 129—also *R. v. Critchley, ib.*

hurtful to the feelings of the family or other *near relatives*." Even this is not sufficiently precise. Can a great-grandson bring a charge, or where is the line to be drawn? This point may have arisen in magisterial courts in India, but there is no reported ruling on the subject. Important omissions in the statute law such as these are in England decided, as occasion arises, by Judge-made law. The tendency, on the other hand, of the most recent criminal codes is to proceed in accordance with the maxim, that the best law is that which leaves least to the caprice of the Judge. * Consequently, modern criminalists seek to fill up unsightly gaps, and to throw light on all the dark nooks and corners of criminal jurisprudence. The Penal Code of France (1810) has done its work and has had its day; even the comparatively recent Code (1870) of Germany no longer represents the most advanced stage of the science of criminal law. It is in the Penal Codes of Italy, Hungary, and Holland that we find most omissions supplied. The provisions of these Codes on the points under discussion may be briefly noticed. The Penal Code of Hungary † gives the right of prosecution, in the cases of which we are speaking, only to the children, father, mother, brothers, sisters, husband, or wife of the deceased person; and this rule applies even where the defamation was committed during the lifetime of a person since deceased. Excluding brothers and sisters, the German ‡ law is the same. In Holland § the right of instituting a prosecution is extended to relatives, whether in a direct or collateral line, up to the tenth degree. The English and Indian legislatures might aim at similar precision.

The second explanation to section 499 of the Indian Penal Code states, that "it may amount to defamation to make an imputation concerning a company or an association or collection of persons as such." This is substantially the same as the English law. || In the celebrated *Nil Durpan* case, which was tried by the Supreme Court in Calcutta in 1861, it was decided that a libel on the Indigo Planters as a class was an indictable libel.

The fourth explanation states that "no imputation is said to harm a person's reputation, unless that imputation, directly or indirectly, in the estimation of others, *lowers* the moral or

* Optima est lex, quæ minimum relinquit arbitrio iudicis.

† Art. 273. The law in Denmark is exactly the same—Den. P. C. 223.

‡ Germ. P. C. 189.

§ Code Pénal, 270

|| See *R. v. Williams*, 5 B. and A. 595, and *R. v. Osborn*, 1 Barn. K. B. 138, 166. The English crime of libel covers blasphemous publications, obscene writings, libels against the Constitution, the Sovereign, Houses of Parliament, Government, Courts and Magistrates, and foreign Sovereigns and Ambassadors. Libels in the last five cases might be defamation in India.

intellectual character of that person, &c." The words are not "is *intended* to lower," or "*tends* to lower;" and this raises a doubt whether a person is defamed, when his character is so well-known that the imputation does not really harm him in the estimation of the society in which he moves. Probably it is not necessary to prove actual harm, provided the imputation is intended to harm the reputation.* But the point is by no means free from doubt, and legislation is defective, which permits of diverse interpretations. The exhaustive precision of Livingston's definitions are worthy of imitation in this as in other instances. "Defamation is an injury offered to the reputation of another, by an allegation which is either untrue, or, if true, is not made with a justifiable intent."† . . . "It is an injury coming within the above definition, if the *natural tendency* of the words or representations used is to bring upon the person, to whom they refer, the hatred, ridicule, or contempt of the public, or to deprive him of the benefits of social intercourse. . . . *If the injury be offered, it is sufficient; it need not actually be suffered; but the words or representations must be such as, in the ordinary course of affairs, tend to cause such injury.*"‡ This definition obviates the necessity of proving that a person's reputation has actually been lowered in the estimation of others.

It is necessary in India that the defamatory words should be communicated to some person other than the person about whom they are used.§ But it is still part of the English law of libel that communication to a single person, though contained in a private letter meant to be treated as confidential, constitutes publication. Continental codes || contain, as part of the definition, some such words as "in presence of another person," or of "several persons," or "with the evident intention of giving publicity to the imputation." Again, it has been held in England that everyone who is concerned in the writing or publishing is liable to conviction; and this doctrine has been carried to such an absurd extent, that in one case ¶ it was held that a mere servant of the printer of a libel was punishable, though he had merely clapped down the press, and it did not appear that he knew the contents of the paper, or that he knew he was doing anything illegal! Again, the doctrine of *qui facit per alium facit per se*—an excellent doctrine for civil

* See the first clause of sec. 499 and 6 N. W. P. Rep. 86.

† Louisiana P. C. 363.

‡ ib. 376, 372.

§ This appears from the illustrations. See I. L. R. 7 All 205.

|| e. g. Hung. P. C. 258; Dutch P. C. 261; Germ. P. C. 186 seqq.

¶ *R. v. Clark*, 1 Barn. K. B. 304.

proceedings and certain common nuisances—had been carried to somewhat dangerous lengths before the passing of 6 and 7 Vict. c. 96, s. 7 (Lord Campbell's Act). It was held in several cases* that the proprietor of a newspaper was answerable criminally as well as civilly for the acts of his servant in the publication of a libel, though he had no criminal intention or knowledge whatever. By Lord Campbell's Act it is now provided that the defendant, principal, or agent may prove that the publication was made without his authority, consent, or knowledge, and that it did not arise from want of due care or caution on his part. Still the statute does not say whether this is a complete defence, or only a "*circonstance atténuante*." This should be made clearer by the English legislature.

The Indian Penal Code contains ten exceptions, the first of which states that "it is not defamation to impute anything *which is true* concerning any person if it be *for the public good*, that the imputation should be made or published." What is for the public good must no doubt be a question of fact, which the legislature cannot define. But the legislature might, with advantage, declare in what classes of cases this defence may, and in what classes it may not, be permitted. The framers of the Penal Code remark: "The proclaiming to the world that a man keeps a mistress; that he is too much addicted to wine; that he is penurious in his house-keeping; that he is slovenly in his person; the raking up of ridiculous and degrading stories about the youthful indiscretions of a man who has long lived irreproachably as a husband and a father, and who has attained some post which requires gravity, and even sanctity of character, can seldom or never produce any good to the public sufficient to compensate for the pain given to the person attacked, and to those who are connected with him." But, of course, there may be cases in which private vices may cause injury to the public, as, for example, the immorality of a family physician, or the unorthodox opinions or sporting propensities of a parson. In England where, since Fox's Act (32 Geo. iii. c. 60), the jury give a verdict of guilty or not guilty on the whole issue, the most glorious uncertainty prevails as to what will be the result of any particular prosecution for libel. Sir James Stephen has well remarked† that the only possible definition of libel as a crime is the having written something for which a jury thinks a man ought to be punished. The prevalence of such uncertainty cannot but be prejudicial to the security of society, and the public have a right to demand a greater precision in the statute law. Opinions may widely differ

* See *R. v Almond*, 5 Burr. 2686, and remarks of Tenterden, C. J. in *R. v Gutch*, Moo. and M. 433.

† Cr. Law, 147.

as to whether any particular publication is for the public benefit: The Dutch Penal Code lays down rules for the guidance of the judge as to whether proof of the truth is to be admitted or not. Art. 263 of that code enacts that evidence of the fact imputed can only be admitted in the following cases: (1) if the judge thinks that an inquiry as to the truth is necessary in order to test the assertion of the accused, who claims to have acted in the public interests or for his own defence; (2) when the imputation is made against a public functionary for some act committed in the exercise of his functions, and even in these cases such evidence is not admitted, if the fact imputed can only be prosecuted on the complaint of some person who has not complained. In Hungary the rules of law are more elaborate. The code * enacts that, in cases of defamation or insult, proof of the fact imputed, or of the expression used is permitted: (1) if the aggrieved person is a public officer, and the imputation or expression refers to the exercise of his duties; (2) if, at the time of the imputation, criminal proceedings had already been instituted in respect of the fact imputed; (3) if a final judgment has declared the truth of the fact imputed; (4) if the aggrieved party himself demands, in justice, the admission of proof; (5) if the defendant proves that the object of his imputation was to protect some public or private legitimate interest. Proof of the truth of the imputation or the expression results in the acquittal of the defendant. On the other hand, this proof is not allowed, even on the demand of the aggrieved party: (1) if the defamation or insult has been committed against the Sovereign or the Head of a Foreign State, or against the Ambassador with the king, or the *Chargé d' Affaires* of a Foreign State; (2) if the imputation or the expression has reference to an act, which can only be prosecuted on the complaint of the party aggrieved, and the latter has not made such complaint or has withdrawn it; (3) if there has been a final judgment of acquittal or a withdrawal of prosecution regarding the act imputed; (4) if the imputation or the expression concerns acts of family life, or affects the honour of a woman. In England the truth of the imputation was first admitted as a defence by 6 and 7 Vict., c. 96, s. 6; but it must be shewn that the imputation was made with good motives and for justifiable ends, and the court in pronouncing sentence may consider whether the guilt of the defendant is aggravated or mitigated by the plea and evidence of the truth. It was held under the statute that the plea could only be made at the trial; but now, by 44 and 45 Vict. c. 60, s. 4, the magistrate may receive evidence as to the truth of a libel and its being for the

* Arts. 263, 264.

public benefit. It would appear from the Penal Code of Denmark (Art. 220) that the defence of justification is not permitted in the case of public revelations regarding personal or domestic matters, which disturb the peace of private life. Such a provision of the law would probably not commend itself to such papers as the *Pall Mall Gazette* and *Modern Society*.

The remaining exceptions in the Code are in substantial accord with English law. But there are one or two cases in which the English law is, to say the least, extremely peculiar in not requiring any proof of *bona fides*. In the case of *Dawkins v. Lord Paulet* * it was held by three judges, in opposition to the opinion of Cockburn, C. J., that no action would lie by an inferior officer against his superior for reports upon his conduct written by such superior in the ordinary course of his military duty, *even though they were written maliciously* and without reasonable and probable cause. The words "in good faith" in the seventh exception of the Indian Code show that the view taken by the Chief Justice accords with the Indian law. A more extraordinary case is that of *Munster v. Lamb*, † in which it was held that no action will lie against an advocate for defamatory words spoken in the course of an inquiry before a judicial tribunal, *though they are uttered maliciously and even from ill-will, and are irrelevant to the issues*. This would be defamation in India, as the case is not covered by any of the exceptions, and I venture to assert that it would be defamation in every other country of the world, not excluding America. ‡

It has been held in India that priests and heads of caste panchayets fall within the seventh exception. "No court," remarked Straight J., in an Allahabad case, § "could wish to interfere with those domestic rules and laws, which regulate and control the relations between the members of a caste." The test is whether the accused means well; if so, he should be protected; but if he be actuated by malice or enmity, he should be punished. In the above case, malice was shown in the contents of a letter circulated to all the members of the caste. In another case, || a sentence of excommunication for having attended a widow re-marriage was communicated to the complainant by a registered post-card, and it was held that the publication was more extensive than was necessary. The same was held of a telegram ¶ in England.

The eighth exception is a considerable extension of the rule laid down by Lord Campbell in *Harrison v. Bush*. ** "A

* 5 Q. B. 94.

† 11 Q. B. 588.

‡ Bishop, ii, 915. 7th ed.

§ I. L. R., 3 All. 664; see also 3 All. 342.

|| I. L. R. 6 Mad. 381.

¶ *Williamson v. Freere*, L. R., 9 C. P. 33.

** 25 L. J., Q. B., 25.

communication made *bond fide* upon any matter, in which the party communicating has an interest, or in reference to which he has a duty, is privileged, if made to a person having a corresponding interest or duty, although it contains criminatory matter, which, without the privilege, would be slanderous and actionable." In India it is not necessary that the informant should have any interest, or be under any duty to make the communication. The strict application of the English rule to India would injuriously affect the occupation of the professional informant, euphemistically styled 'Government well-wisher.'* Some might consider that a consummation devoutly to be wished, but in India valuable information is occasionally obtained from such men regarding the commission of offences, malpractices of subordinates, or frauds on the revenue, and their existence appears to be the necessary outcome of an alien rule. Some officers would even go so far as to abolish the practice of giving rewards for information regarding fiscal offences. In this connection I may quote as peculiarly instructive some provisions of the Louisiana Code of Criminal Procedure. Art. 23 is as follows: "When laws are just, whoever contributes to their execution renders an acceptable and an honorable service to his country, and he ought no more to be reproached for receiving a recompense for the trouble of denouncing an offender than for taking a salary for any other public service; therefore, to repress the effects of a vulgar and injurious prejudice, it is declared to be an offence for anyone in writing, or in any other way in which defamation may be committed, to use reproachful or insulting words against any person, &c. . . . for having given information against any offender, or for having received the recompense granted by law." The knowledge of the "*sirkári khairkhwáh*" sometimes facilitates the stamping out of professional dacoity or incendiarism.

This subject should not be concluded without a passing reference to two matters that are not creditable either to the English or the Indian administration. One is the scandalous publication and dissemination of the details of divorce cases or other cases of an indecent nature. The publication of any writing tending to corrupt the public morals is an indictable libel,† and continental lawyers and statesmen view with amazement the inability of the Home Office and Scotland Yard to cope with this gigantic evil. The authorities seem to be powerless or unwilling to move, and meanwhile the mischief grows apace. On the continent the publication of indecent details of trials

* The term '*Sirkári Khairkhwáh*' is not much more desirable than "goinda."

† Bishop, ii, 915, 943, and cases there quoted.

is generally prohibited by law, and with a *police des mœurs*, the open sale in crowded streets of the garbage, which disgraced the pages of the *Pall Mall Gazette* in 1885, would be an impossibility. Art. 573 of the Louisiana Criminal Code enacts that "any person who shall publish any account of any trial for rape, adultery, offences against decency, &c., containing any indecent or wanton details, shall be fined 200 dollars and imprisoned for not more than sixty days, *if the account be substantially true* : but if it be false, the punishment shall be doubled." Some such provision is urgently required in England. A lesser evil (but still one of considerable proportions) is the advertisements of certain specifics, and testimonials regarding such specifics, in the advertisement columns of certain native newspapers. The Bengali youth are the principal readers of these papers, and the grossness of these notices must tend, if not to corrupt them, at least to blunt the finer part of their nature.

• *Attempts (la tentative.)*

The principle of punishing attempts to commit offences may be found in the following words of the great Italian jurist Beccaria. "It does not follow, because the laws do not punish intentions, that therefore a crime begun by some action, significative of the will to complete it, is undeserving of punishment, although it deserves less than a crime actually committed. The importance of preventing an attempt at a crime justifies a punishment ; but, *as there may be an interval between the attempt and the execution*, the reservation of a greater punishment for a consummated crime may present a motive for its non-completion." To decide exactly what does and what does not constitute an attempt is perhaps one of the most difficult problems of criminal jurisprudence. A wants to poison B, but by mistake puts sugar in his glass instead of arsenic ; or he puts arsenic in, but not enough to kill ; or intending to kill B, he strikes at what he believes to be his body, but what is really only a block of wood. Again, how is the line to be drawn between simple preparation and a completed attempt ? The Jurist Vuchetich* recognizes three kinds of punishable attempts, the *conatus perfectus*, the *conatus proximus*, and the *conatus remotus* ; but he has lost himself in luxurious labyrinths of subtle distinctions, which are of no value to the practical legislator. An exact determination and appreciation of the offence accomplished, the attempt accomplished, the impossible offence, the act which has failed in its object, the absolutely insufficient means, the relatively insufficient means—these must be left to the province of theoretical

* "Institutiones," published in 1819.

jurisprudence. The practical legislator must be content to frame a few broad rules, leaving the Courts to decide difficult and doubtful cases, while keeping strictly within the main principles laid down.

I think the following principles, extracted from continental legislation and the writings of certain criminalists, should be embodied in a model Penal Code:—

1.—An attempt must be punished less severely than the offence itself.

This is not so in England.* In India,† there is no distinction as regards the amount of fine, but the transportation or imprisonment cannot exceed one-half of that provided for the offence. In Holland,‡ the punishment is two-thirds of that provided for the offence; in Denmark,§ three-quarters, and in Germany|| one-quarter of the minimum provided; in Hungary¶ it may be less than the minimum, or some less severe kind of punishment. In France and Belgium** an attempt is punished in the same way as if the offence were proved with extenuating circumstances; in Russia,†† the punishment is from one to four degrees less, according to circumstances, which I shall allude to below. That attempts should be ordinarily less severely punished than the consummated offence, needs no demonstration. The fact that in England they can be punished with equal severity is only another instance of the crying need for radical reforms in the English criminal law.

2.—Attempts to commit certain minor offences should not be punished at all.

In continental codes offences are generally classed as crimes, delicts, and contraventions; the general rule being that attempts are punishable in the first case, not in the third, and only in the case of delicts when so specified.‡‡ In France attempts to commit delicts are punishable in nine cases only.§§ In India |||

* 14 and 15 Vic., c. 100, ss. 9, 12.

† I. P. C., 511.

|| Germ. P. C., 44.

¶ Hung. P. C., 65. But if the offence attempted be punishable with death, the attempt must be punished with *not less than five years'* imprisonment; if punishable with transportation for life, with not less than three years.

** Belg. P. C., 52, 80, 81. Punishments are graded, and the punishment of the next inferior grade is inflicted. | †† Russ. P. C., 114, 115.

‡‡ Germ. P. C., 43; Hung. P. C., 65; Dutch. P. C., 45, 46. In Holland there are only delicts and contraventions.

§§ Fr. P. C., 179, 241, 245, 388, 400, 401, 405, 414, 415. These offences are bribery of officials, escape, theft of certain animals, crops, &c., extortion, cheating, and intimidation to lower or increase salaries.

||| I. P. C., 511.

‡ Dutch P. C., 45.

§ Den. P. C., 46.

there can be no attempt to commit an offence under any local or special Act, nor any offence under the Penal Code, which is punishable with fine only. In England, apparently, there can be an attempt to commit any felony or misdemeanour, but the law is not very clear on the point; as regards Scotland, Hume and Alison state that the only punishable attempts are those to commit the *graviora delicta*, as murder, rape, fire-raising, &c.

3.—*The culpability of an attempt should be greater in proportion to its proximity to consummation.*

To use the words of the Danish Penal Code,* the court, in determining the punishment, should consider the greater or lesser distance which separates the attempt from the consummated offence. This is obvious, but I have inserted the rule, as it demonstrates the absurdity of some of the English and Indian cases as to what constitutes an attempt.

4.—*Simple preparatory acts should not be punishable; but conspiracies of two or more persons to commit an offence are punishable, independently of any commencement of execution.*

A, intending to kill B, buys some poison for that purpose. A has not attempted to poison B. But if A and C agree to poison B, and one of them buys poison for that purpose, they are both punishable. This would constitute abetment under the Indian Penal Code.† The doctrine of preparation and attempts may be considered in connection with the next two propositions:—

5.—*An attempt is not punishable, if the author of it (1) has of his own accord, abandoned the execution of the intended offence, without being prevented by circumstances independent of his will; or (2) if, before the act has been discovered, he averts the effect, which constitutes the completion of the offence. ‡*

6.—*When the intention of the doer has manifested itself by a commencement of execution, and the attempt has remained unachieved or has failed in its effect solely owing to circumstances independent of the will of the doer, it may be regarded as the crime itself.*

This last proposition exactly embodies the French law, namely, that such an attempt, in the case of crimes, is considered as the crime itself, and may be punished

* Den. P. C., 46.

† I P. C., 107.

| ‡ Germ. P. C., 46; Hung. P. C., 67.

in the same way. For instance, the assassin who, in order to rob a traveller, fires a pistol at him, but misses or only slightly wounds his object, may in France be condemned to death. In including the above proposition among those on which a model penal law of attempts might be based, it might be modified by using the words "in certain cases."

The German doctrine of attempts differs essentially from the French doctrine; the German law looks at the *result produced*, and enhances or diminishes the criminality according to the varying degrees of material harm caused. The French legislator says: "Never mind the result: if a certain result would have taken place but for circumstances beyond the control of the author, the latter is punishable as if the result had taken place." At first sight the French doctrine seems more just, even if it displays a somewhat Rhadamanthine severity; but, owing to the difficulty of ascertaining criminal will and intention, the German doctrine is more practical and therefore preferable. In his preface to the translation of the Bavarian Code, Vattel remarks, that "what pre-eminently distinguishes German from French legislation is the *objectivity* of the former." The exact meaning of this term may be better understood from what M. Albert Du Boys says in his history of the Criminal Law of France: "It is somewhat singular that the Germans, who indulge in wriggling intricacies as regards philosophy and morals, abandon the subjective element almost entirely, or at least subordinate it to the objective element, when they deal with practical legislation. *Vice versa*, it is astonishing that the French, who live so much out-of-doors, should seek to penetrate the conscience of the guilty person and to interrogate his will, in order to appreciate the morality of his action, and to determine the amount of punishment according to the degree of subjective criminality which can be imputed to him."

The above doctrines serve as a useful basis for a consideration of the English and Indian law. Both the illustrations in the Penal Code refer to what may be called impossible offences. One of the illustrations is as follows:—

A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z having nothing in his pocket. A is guilty under this section.

This is obviously common sense and good law. The act is punishable under every reasonable system of law, and in France it would be punished in the same way as the consummated offence, seeing that the intention has completely manifested itself, and has only failed in its execution owing to the absence of anything in the pocket, a fact independent of the actor's will. Now this illustration is nothing more nor less

than the English case of *Reg. v. Collins*,[‡] in which it was ruled that, the pocket being empty, there could be no conviction of an attempt to steal. In what more emphatic way could the framers of the Penal Code have manifested their intention of making the Indian radically different from the English law? What more conspicuous beacon-light of warning could have been exhibited to Indian magistrates and judges not to follow an illogical and contradictory case-law? Has such warning been disregarded? It would seem so. It is true the English rulings are hopelessly irreconcilable; still, having regard to the definition in the Penal Code and to the illustrations, it seems to me that Indian judges would have done best to steer a middle course, avoiding the narrowest as well as the broadest of the English rulings. An attempt is defined in Stephen's Digest, as "an act done with intent to commit that crime, and forming *part of a series* of acts which would constitute its actual commission, if it were not interrupted." The following illustrations are given:—A procures dies for the purpose of coining bad money. A has attempted to coin bad money.* A kneels down in front of a stack of corn, and lights a lucifer-match, intending to set the stack on fire, but observing that he is watched, blows it out. A has attempted to set fire to the stack. Now what rulings could possibly be broader than these? It seems clear that the first goes too far. But clearly the dictum of Mitter, J. in the fire-ball case[†] errs in an opposite direction. He laid down that "in order to constitute an attempt, it is not only necessary that the prisoner should have done an overt act towards the commission of the offence, but that the act itself should have been done 'in the attempt' to commit it." But this is equivalent to ruling that an attempt is just as heinous an act as the consummated offence, and that there can be no attempt which falls short of the completed offence, except when the failure is due to circumstances beyond the will of the actor. Most certainly this is not the intention of the Indian legislature; it is not the English law; it is not the continental law; and, as has been pointed out, such an attempt is very reasonably regarded by the French Code as equivalent to the offence itself, and is punished with the same punishment.

In the fire-ball case a man was caught late at night going about with a ball of rag containing a piece of burning charcoal. There had been several acts of incendiarism in the village, and balls exactly similar had been used on previous occasions

[‡] L. and C., 471; 9 Cox P. C. 497.

* *Roberts' case*; Dearsly, C. C., 539. I venture to think no Magistrate in India would punish this act as an attempt.

[†] 3 B. L. R., A. Cr., 55.

The man could give no satisfactory account of his having the fire-ball. Glover, J. remarked: "The instrument for causing mischief by fire was completely ready, and was not used only because the party carrying it had no opportunity. It must be assumed that a person going about at night provided with an apparatus specially fitted for committing mischief by fire, intends to commit that mischief, and that he has already begun to move towards the execution of his purpose." It seems to me that in this case there was far more than simple preparation. Under the third of the propositions above laid down, there was a close proximity to consummation. To procure the ball and rag, even to light it, may not have been an attempt; but to sally forth at dead of night with the lighted ball was the penultimate step towards the commission of the offence: it only remained to throw the ball on some roof or hay stack. As, however, Glover J. was the junior Judge, his opinion did not prevail.

One or two Indian rulings, that an attempt must be the *last* act, which, if not prevented by exterior circumstances, would result in the commission of the offence, cannot be supported. Stephen's Digest speaks of an act *forming part of a series* of acts. The words of the Penal Code are "does any act *towards the commission* of the offence." How are these words reconcilable with the theory that the act must be the very last of a series of acts, &c.? Moreover, almost every case in India on the border-line between preparation and attempt would fall within the comprehensive definition of abetment, so that in many cases it makes little difference whether the conviction be for abetment or for an attempt. A reported Bengal case is an illustration of this: There were serious disputes about rent between the Bengal Coal Company, as zemindar, and their ryots, and the former had instituted, or were about to institute a number of rent-suits. The ringleader of the ryots came into Burdwan and went to a printer and got him to print a large number of blank counterparts of the zemindar's counterfoil receipt forms, giving one or two genuine receipts as patterns. The blank forms were printed, with the words "Bengal Coal Company" at the top, the same particulars, and an exactly similar pattern along the perforated line of division. Proofs had actually been seen *and corrected* by the accused! On information received, the magistrate issued a warrant, and the fictitious forms were seized before they could be used. It was held by Garth C. J. that until a form had actually been converted into a false document by being wholly or partially filled up, all that was done consisted in mere preparation for the commission of an offence. But if the form had been filled up, or even partially filled up, the offence would have been complete. The effect of this ruling

is that, in order to constitute an attempt, the accused must have been actually caught, *flagrante delicto*, in the act of filling up a form.* The decision was based purely on two English decided cases, though there are other cases to a contrary effect. Garth, C. J. quoted the remarks of Lord Blackburn in *R. v. Cheese-man* and of Cockburn, C. J. in *R. v. McPherson*. Even supposing their *dicta* to be correct, it is difficult to see why English law should be followed rather than the words of the Penal Code. If the decision of the Calcutta High Court in this case be sound; then it follows, as a matter of course, that an attempt ought to be punishable, as in France, with the same punishment as the offence itself.† There is another Indian (Allahabad) reported case, which should be noticed, as the decision appears to rest on the same erroneous theory, that an attempt must be the act immediately preceding the one which would complete the substantive crime intended. In this case the accused was convicted of having made false statements at a central octroi office as to the contents of certain skin vessels, the object of which was to get a certificate entitling him to a refund of octroi duty; but, his deception being discovered, the certificate was not given to him. Now this false

* This case was committed by me as Joint-Magistrate of Burdwan, and the accused was convicted by the Sessions Judge and sentenced to one year's imprisonment under section 465 P. C., read with section 511. On revision the conviction was upset, but, as I was informed, with some reluctance. The prisoner was not let out on bail, and he had served half his sentence before he was released. It is a great pity that it was not pointed out to the Revisional Court that they might have altered the conviction to one of abetment under section 107 (3). It was not necessary that the printer should have any guilty intention or knowledge. I have pointed this out at page 199 of my Manual of Indian Criminal Law, 2nd Edition, and referred to I. L. R., 3 Mad., 4 and I. L. R., 7 Cal., 352. Had the law of abetment and these rulings been pointed out to the Revisional Court, it is more than probable that the conviction would have been altered to one of abetment. Perhaps the most lamentable feature of criminal appellate revisional jurisdiction in India is that a man often gets off altogether when convicted under an inappropriate section: although some other section of the Penal Code exactly covers the facts. This is, of course, due to ignorance of the Penal Code. No one can have a thorough knowledge of the Indian Codes without studying them and administering them for some years. Those who have most studied them will admit the truth of this remark. It is much to be regretted that any Judges should be permitted to exercise criminal revisional jurisdiction before they can have acquired even a moderate acquaintance with the Codes; and the fact is all the more deplorable, as the Courts of Magistrates and Judges, whose proceedings they revise, have a thorough knowledge of them. But India is a long-suffering *corpus vile*, with which, and on which, it is thought permissible to play the wildest pranks and try the most impossible experiments.

† It is said in an old case: "*In foro conscientie* the attempt is equal with the execution of it."

statement was absolutely the *last* act which it was in the power of the accused to commit towards the offence of cheating: there was absolutely no *locus pœnitentiæ* but to withdraw the false statement. The learned judge appears to have overlooked the fact that, *had the certificate been given*, the offence of cheating would have been complete under either of the alternative definitions of cheating in section 415 of the Penal Code. The certificate itself was property, and the persons deceived would not have granted it but for the deception. It is also transparently clear that the facts amounted to an offence under the latter portion of section 182 P. C.

Both in Enland and India the absurdities and inconsistencies of the law regarding attempts should be done away with. Bishop, perhaps the greatest living authority on English and American criminal law, has laid it down in unequivocal terms, that an attempt need not be the act next preceding the one which would complete the substantive crime intended, or, in the words of an American case, it need not be the last proximate act prior to the consummation of the felony attempted to be perpetrated. Bishop has mercilessly laid bare the unsoundness of some of the English decisions, and his exposition of the law of attempts is a master-piece of reasoning and common-sense. "An attempt is an intent to do a particular thing which the law, either common or statutory, has declared to be a crime, coupled with an act *toward the doing*, sufficient, both in magnitude and proximity to the act intended, to be taken cognizance of by the law, which *de minimis non curat*." The act must be sufficient in turpitude for the law's notice, and near enough to the offence intended to create an apparent danger of its commission. In fact, in the words of the Hungarian legislator, the court must see whether there has only been a simple and somewhat remote act of preparation, or a veritable commencement of execution. Bishop discusses at length the cases of attempted pocket-picking and abortion in England, and observes that they are not reconcilable with any uniform principle. In 1846, it having been made punishable by 7 Will. iv. and 1 Vic., c. 85, s. 6, unlawfully to "use any instrument with intent to procure the miscarriage of any woman," a man was held to be guilty, though the evidence showed affirmatively that the woman, supposed to be pregnant, was not so in fact.* The acutest understanding says Bishop, could not reconcile this with the pocket-picking case. "It being an accepted truth, that the defendant deserves punishment by reason of his criminal intent, no one can

* *Reg. v Goodall*, 1 Den. C. C. 187. This is an instance of what is known as the attempt to commit an impossible offence.

seriously doubt that the protection of the public requires the punishment to be administered equally, whether in the unseen depths of the pocket or the womb, what was supposed to exist, was really present or not. The pocket-picking case has been decided to be an attempt in the Courts of Pennsylvania, Massachusetts, Indiana, and Connecticut. Fletcher J. remarks : * " A man may make an attempt, an effort, a trial, to steal, by breaking open a trunk, and be disappointed in not finding the object of pursuit." " It would be a startling proposition," said Butler J., " that a known pick-pocket might pass around in a crowd, in full view of a policeman, and thrust his hands into the pockets of those present with intent to steal, and yet not be liable to arrest or punishment, until the policeman had first ascertained that there was in fact money or valuables in some one of the pockets on which the thief had experimented." There are similar rulings in the case of attempted robbery. " If a man," says Bishop, " undertakes to rob one who, contrary to appearances, has no money, by reason of which the undertaking miscarries, shall he, after having throttled,† stripped, and searched his victim, be permitted to deny his intent to commit robbery?" As regards the difference between preparation and attempt, Denman, C. J.‡ once stated the doctrine in very strong terms : " any step taken with a view to the commission of a misdemeanour is a misdemeanour." This proposition obviously goes too far, and was apparently based on the common-law doctrine that certain sorts of distant preparations are indictable. The *dictum* of Parke B.§ is more reasonable : " Some act is required . . . Acts remotely leading towards the commission of the offence are not to be considered as attempts to commit it, but acts immediately connected with it are." As I have remarked, the comprehensive nature of the Indian law of abetment renders it unnecessary to consider many cases which, as attempts, might be considered to lie near the border or partition line. In Georgia|| it was held to be an attempt, to take an impression of the key of a warehouse, and have a key made from it for use in committing a larceny therein. So it is not necessary to consider whether solicitations amount to attempts, as they constitute abetment. In a case decided by Patteson J., it was held that soliciting an engraver to engrave a plate for forgery is indictable as an attempt.

* Commonwealth v. McDonald, 5 Cush. 365.

† Horace's "vacuus viator" would hardly care to sing under such circumstances, even if the throttling did not prevent his utterance : " Cantabit vacuus coram latrone viator." (?)

‡ R. v. Chapman, 1 Den. C. C., 432, 439.

§ R. v. Eagleton, Dears. 515, 538.

|| Griffin v. The State, 26. Ga. 493.

This is not nearly so strong a case as the printing of the rent-receipt forms in the Bengal case referred to above. One test for deciding whether an act amounts to an attempt, is to see whether it is one which in itself is illegal or tends to cause harm. If there has been an apparent danger of the thing meant being accomplished, the public suffers more or less, according to the particular facts. If the acts towards the commission of an offence are such as to attract notice, they must be presumed to be dangerous to society, subject to the maxim that the law does not consider trifles. The Indian statute-law is defective in one particular, in that the draftsman is guilty of a *petitio principii* by using the words "in such attempt," which, in truth, is the very phrase that requires definition. But the case-law, both English and Indian, is far worse : it is hopelessly inconsistent, contradictory, and illogical. This is pre-eminently a subject on which the Legislature would do well to step in and declare its intention in an unmistakeable manner.

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ART. VI.—TRIAL BY JURY IN BENGAL.

THE subject of criminal administration is one of the most important in all civilized communities. It is of paramount interest that the machinery for the detection, conviction, and punishment of crime should be well adapted to its purposes and should command the assent and respect of the people at large whatever be their religion or nationality. In the present paper I propose to consider one branch of this subject, *viz.*, that which deals with the trial of heinous offences by jury in the Court of Sessions in Bengal. After a few preliminary observations as to trial by jury in England, I shall commence by giving a short history of its introduction into the criminal jurisprudence of Bengal and shall then examine briefly, from such points of view as present themselves, the desirability or otherwise of its maintenance or extension.

The origin of trial by jury in England is lost in the obscurity of Anglo-Saxon and Norman history. It would be foreign to the purpose of this article to devote any space to antiquarian speculations as to its probable germ, and would be traversing ground already familiar to law students. A few remarks are, however, necessary by way of introduction to what follows.

Blackstone considers this mode of trial to have been universally established among all the Northern nations and interwoven in their very constitution. It is by some supposed that the Anglo-Saxon ancestors of the English were the originators of a rudimentary form of trial by jury, and a reference to an inquisition by twelve persons is to be traced as early as the time of Ethelred, in whose "laws" it found a place. Anglo-Saxon courts were presided over by a reeve who had no voice in the decision, which rested with a body of jurors. Trial by jury or "by the country" commenced, however, very early in English political history in a form very nearly identical with the system as it now exists in Great Britain. The particular form of trial by jury called the "Grand Assize" was established by a law of Henry II. (Glanville I, 2, c. 7) In the barbarous Latin of the Great Charter (9 Henry III, c. 29) "nullus liber homo capiatur vel imprisonetur, aut exulet, aut aliquo alio modo destruatur, nisi per legale iudicium parium suorum, vel per legem terre." It had actually assumed its present shape during the reign of Henry III. The system has been, in fact, established amongst us for so many centuries, that like other antique elements of the British constitution, the causes which led to its establishment, and the reasons for considering it an important bulwark for the preservation of the

liberties of a free people, are often lost sight of and forgotten. In former times, *i. e.*, anterior to the Bill of Rights (1 W & M, Cap. 2, c. 2) judges were appointed by the Crown *durante bene placito* and were removable by the same authority. Upon this Blackstone observes—

“Our law has, therefore, wisely placed this strong and two-fold barrier of a presentment and a trial by jury between the liberties of the people and the prerogative of the Crown. It was necessary, for preserving the admirable balance of our constitution, to vest the executive power of the laws in the Prince; and yet this power might be dangerous and destructive to that very constitution, if exerted without check or control, by justices of *Oyer and Terminer* occasionally named by the Crown; who might then imprison, despatch or exile any man that was obnoxious to the Government, by an instant declaration that such is their will and pleasure. But the founders of the English law have, with excellent forecast, contrived that no man should be called to answer to the Crown, for any felony, at least, unless upon an indictment; that is, the presentment or preparatory accusation of twelve or more of his fellow subjects; and that the truth of every accusation, whether preferred in the shape of indictment or information, should afterwards be brought to trial and confirmed by the unanimous suffrage of twelve of his equals and neighbours, indifferently chosen, and superior to all suspicion.

It was not until the Act of Settlement (12 and 13 W. 3, c. 2) that the tenure of office of the superior judges was authoritatively settled. By this Act the judges' commissions were made “*quamdiu se bene gesserint*,” and they could not be removed, but upon the address of both Houses of Parliament. The dignity and political independence of the judges was thus established, and by the Statute I, George III, c. 23, the last vestige of dependence on the royal prerogative was removed by the non-vacation of their offices and salaries on the demise of the sovereign. The distinct separation of the judicial tribunals from the influence of the legislative and executive power, gradually effected through several centuries, by various Acts of Parliament, has obviously, in many respects, lessened the paramount importance as a safeguard of liberty of the system of trial by jury. In earlier days this was the sole protection of the subject against the arbitrary use of the sovereign's prerogative exercised through judges who were amenable to the pleasure of the king for their right to continue in office and to receive their salaries.

The system of trial by jury is now regarded by a very large class of intelligent persons with somewhat less respect than its sanctity, as the inalienable birthright of every Englishman, would seem to enjoin. The language formerly held with regard to it, of which a specimen has been extracted above from the familiar pages of Blackstone, may now be rightly regarded as hyperbolic and even fantastic. It was said that “the most transcendant privilege which any subject can enjoy or

"wish for is, that he cannot be affected either in his property, "his liberty, or his person, but by the unanimous consent of "twelve of his neighbours and equals, and there can be no "doubt that this institution has secured the just liberties of "this nation for a long succession of ages." It may reasonably be doubted whether in many cases it is now regarded as a privilege at all. The persons who are most pointedly affected by the choice of a tribunal are, by no means, as a rule, desirous of availing themselves of it. Under certain modern statutes, individuals charged with offences before the Sessions, are entitled, when a *prima facie* case is made out, to elect either to be tried by jury at the Assizes, or to submit to the decision of the justices. It is found that in the majority of instances they prefer that the case shall be dealt with summarily; and, notwithstanding the fact that the Justices of the Quorum are elected by the Crown and are removable by the Crown, the criminal classes feel quite as much confidence in the just determination of questions of fact by the magistrates, paid and unpaid, as by the famous British jury. The fact is, that the hostile attitude of the Crown and the people has disappeared: the Crown has neither the wish nor the power to influence judges in the administration of their functions. Political prosecutions are rare, but even in these cases when, if at all, the influence of the Crown, as exercised by its responsible advisers, might be reasonably supposed to weigh in the scale against the criminal, offenders are more disposed to rely on the sagacity, the experience, and the legal attainments of judges than on the verdict of their peers. Within the last year we have witnessed a refusal by a political party in the State to submit charges of a heinous character made against them in their public capacity to the arbitrament of a jury of either England, Scotland, or Ireland. It is a strange illustration of the disappearance of antique modes of thought, to find the Irish party preferring, for the investigation of the charges brought against them by the "Times" of complicity with rebels, a tribunal composed of judges to the one which, up till the last century, popular sentiment would have indicated as essential to the unbiassed trial of political offences. The wide influence and far-reaching observation of the press, the railway, and the telegraph, together with the diminution of the Crown prerogatives and the predominant authority of the House of Commons, have destroyed the possibility of corruption and subservience existing among English judges.

The drift of public opinion in England as regards civil cases has long set in the direction of the abolition of juries; and it must be borne in mind that a large variety of such cases differ in degree and in effect very little from certain

criminal proceedings. Cases coming before the High Court of Justice in the Chancery Division have, for a long time past, been decided by a judge without the aid of a jury. In the Queen's Bench Division of the High Court of Justice, since the promulgation of the recent judicature rules, allowing of an alternative system of trial by the judge alone and of trial by the judge with the aid of a jury, the ratio of common law cases which are, with the consent of the parties tried by the judge alone, tends steadily to increase. Thus, in the first term of 1887 there were 384 cases set down for trial by the judge alone, and only 405 to be heard before the jury. The numbers are, therefore, already nearly equal, and it may safely be said that in a few years, except perhaps in such cases as involve the adjudication of damages for injuries, breach of contract of marriage, abduction and the like, trial by jury in civil cases will practically disappear. A silent revolution has in fact been taking place in public opinion. The well-nigh superstitious veneration of former times for this privilege is almost as antiquated as are the mail clad coats of the Barons who extorted its recognition at the hands of the Angevin monarch. What was a necessary safeguard of liberty in the days of Chief Justices Scroggs and Jeffries and the Star Chamber, is only a cumbrous survival in the days of democratic government and the penny press. It is doubtful whether, if the ancient tenure of the office of judge at the pleasure of the Crown were restored, the retrogressive step would be in reality productive of evil effects. The light of publicity would prevent any reversion to the scandals of a bye-gone age.

It may, therefore, I think, be fairly assumed that the tendency of modern opinion is in favor of the decision of cases, involving intricacies of fact as well as of law, by the judge and not by the jury. There being no longer any suspicion as to the independence or integrity of the judicial tribunal, the public prefer the solution of the questions involved by a mind trained to sift and appreciate the value of evidence, rather than by a dozen shop-keepers who have never before attempted to arrive at a conclusion upon conflicting statements of facts.

It is true that in criminal cases at the Assizes, jurors are still empanelled. It would be too much to expect that in a country which, despite its democratic system of government, is in reality intensely conservative of old traditions, one of the fundamental principles of English jurisprudence should disappear as soon as its utility began to be questioned. While Parliament can be found, as in the past year, to include in its votes, a sum of £1,000 a year, for so picturesque a sinecure as the Master of the Hawks, trial by jury is hardly likely to disappear during the present century. But deep inroads

into the once dearly prized privilege have been accomplished. I have already observed that the new system of summary jurisdiction by justices, which is acquiesced in without a murmur by the public, has resulted in a considerable reduction in the number of cases which now come before the arbitrament of juries at the Assizes. A further illustration of the tendency of the age to prefer the decision of an expert to that of laymen in questions of fact, is to be found in the measure passed some years ago, by which the House of Commons delegated the decision of all questions affecting the validity of the election of Members of Parliament involving charges of bribery, intimidation, treating, and the like to the Common Law judges of England. The enactment whereby election cases are determined, contains provisions of a highly penal nature, and the submission of such cases to the determination of judges alone, without the aid of a jury, is a highly significant proof that the shibboleth of the "*legale judicium parium suorum*" has lost its efficacy. The value of a vote in the House of Commons to each political party is often enormous; and no more striking proof could be afforded of the confidence of the country in judges, many of whom have themselves participated in political contests, than the "self-denying ordinance" of Parliament conferring upon them the sole duty of deciding election petitions which may alter the balance of parties in the House. It may assuredly be said with some confidence, that the scope of criminal trial by jury will never be enlarged in England, and the tendency is entirely the other way. It is reasonable to suppose that every decade will witness the withdrawal of cases from juries by special enactments, constituting judges the sole authority for the trial of certain individual classes of crime.

II.

If I have correctly indicated the current of public opinion in England as regards juries, the inference appears to me clear, that unless there are special reasons which point to the advisability of trial by jury in this country, there are strong grounds for its non-introduction or rather (as its introduction is a *fait accompli*) for its non-extension. If in a country like England, whose countrymen have been from generation to generation habituated to the jury system, who regard service on juries as one of the necessary and acknowledged functions of citizenship, its antiquity and prestige have not preserved it from criticism and curtailment, there should be strong reasons, political social or administrative for desiring its introduction into Bengal, where it has been absolutely unknown until recently, and where the criminal administration of the country has throughout historic times been carried on by judges appointed by the sovereign

power. I propose to consider in detail whether any such special reasons do exist, or whether, on the contrary, the system is not thoroughly unsuited to the social and religious instincts of the community. Before doing so, I will give a brief sketch of the history of trial by jury in Bengal, and shew how it differs materially from its English model.

Formerly, as is well known, trials in the Courts of Session in the moffusil were held with the aid of a Mahomedan law officer. The first Criminal Procedure Code, Act XXV of 1861, contained a provision for trial of certain offences by jury. The Local Government were to select the districts where it was to come into force. On the recommendation of the late Sudder Court, the districts of 24-Pergunnahs, Murshedabad, Nuddea, Dacca, Patna, Hooghly and Burdwan were so selected. The offences triable by jury were at first confined to those specified in Chapters* VIII, XI, XVI and XVII of the Penal Code, but afterwards its scope was extended to offences included in Chapter XVIII of the Penal Code, and to all abetments of, and attempts to commit such offences. The number of the jury was fixed at seven.

The system was from the beginning looked upon as an experiment, and almost every year the Government consulted the High Court and various local officials as to its success or failure. The views from time to time expressed shew the profound distrust with which it was regarded. I shall refer to some of these opinions hereafter, but, as I am now considering the matter historically, I allude here only to the minute of Mr. Justice Jackson in 1872, which led to the sole important modification in the system which has been effected since its commencement—an alteration which is, in my opinion, itself conclusive as to its unsuitability for this country. Mr Jackson thought that “in cases where popular superstition, prejudices, or predilections operated for or against the accused, it was very unlikely that the verdict would be in accordance with the evidence.” Owing to his recommendations, in which the other judges of the High Court concurred, a provision was introduced in the new Code of 1872, allowing the judge, in cases where he altogether dissented from the verdict, to refer the question of the guilt or innocence of the prisoner to the High Court, who could convict or acquit of any offence of

* Chapter VIII. Penal Code—Offences against the public tranquillity.
 „ XI „ False evidence, and offences against public justice.
 „ XVI „ Offences affecting the human body.
 „ XVII „ Offences against property.
 „ XVIII „ Offences relating to documents and to trade or property marks.

which the prisoner might have been convicted or acquitted at the trial. The Code of 1882 now in force made no substantial change in the law, but the jury have now (section 304) the power to amend their verdict. The number of the jury was in the Code of 1872 reduced from 7 to 5 in order to obviate the inconvenience felt by the jurors (taken from a list which in many districts contains a very limited number of names) in travelling to and from the Court of Sessions, and also to improve the results by the concentration of responsibility on a smaller number.

Let us now examine the jury system of this country as compared with its prototype—trial by jury—in England. It will be found on consideration that in all important respects the principles on which they are respectively founded altogether differ. In England trial by jury is universal for all offences committed to the Assizes, including all felonies and misdemeanours not disposed of at the Petty or Quarter Sessions. In this country the very offences which, according to its essential principles, ought to be triable by jury, *viz.*, offences in which the State is concerned, are precisely those which are excluded from its scope. None of its apologists (and I use the word advisedly, for those who speak in favor of it are so guarded in their approval that they should more properly be termed apologists than advocates) have ventured to suggest that offences coming under chapter VI of the Penal Code, (offences against the State) or Chapter VII (offences against the Army and Navy) should be triable otherwise than by a judge with the aid of assessors, by whose opinion he is not bound. Similar views predominate as regards Chapter IX (offences by or relating to public servants), and Chapter X (contempts of the lawful authority of Courts of Justice.) If, therefore, the system was introduced into Bengal on a presumed analogy with the principles of English jurisprudence, it is strange that the very criminals in whose conviction the Government is directly interested, and as to whom, if any such suspicion may at all exist, there would be a likelihood of pressure being exercised on Sessions Judges, are precisely the criminals whose cases are altogether removed from adjudication by their peers.

There is, however, another equally striking peculiarity of the Indian as compared with the English system. The one characteristic which is essential to the principle of English trial by jury is finality. There is absolutely no appeal from the verdict of an English jury, and no power of interference except*

* It is true that the current of public opinion, as seen in the comments of the press on the Lipski and other cases, is setting in favor of giving a right of appeal on the facts in jury cases; but this only emphasizes what I have said above as to the decline of its popularity.

by the prerogative of the Crown in favor of mercy. On the other hand, the Act of 1872 followed by the present Code, introduced the opposite principle, *viz.*, the non-finality of verdicts. There was an almost complete consensus of opinion that the original provisions of the Code of 1861, which had notwithstanding local and other limitations, boldly imported into India the English principle of finality of verdicts, were practically unworkable. In other words, the only rational and intelligible extension of the English system which was possible had been experimentally tried and had failed. It appears to me that there were at this time only two reasonable and logical courses open to the legislature: either the system should have been admitted to be a failure and abolished from the statute book before it became crystallized into a portion of the criminal jurisprudence of the country, or it should have been continued in its integrity notwithstanding its drawbacks. Deprived of its most vital attribute, the finality of the verdict, the system is a mere lifeless trunk transplanted into an uncongenial soil. For how can the decision of a body of jurors be said to be substituted in matters of fact for the decision of the judge, when in all cases in which the judge considers the verdict unreasonable, he may refuse to accept it? No doubt this course ensures the examination of the evidence by a bench of two judges of the High Court, but the same result would follow if the prisoner, convicted by the Sessions Judge sitting alone, exercised his right of appeal, and in the latter case the judges would be unhampered by the perplexing question of whether a verdict is reasonable instead of whether it is correct.

It is precisely this right of appeal on the facts in criminal cases tried by a judge sitting alone, which in all non-jury districts, or in all jury districts for offences other than those triable by jury, takes the place in this country of the "*legale judicium parium suorum*" of England, and gives to the prisoner all the equitable relief which must ordinarily prevent any miscarriage of justice.

The next important difference between trial by jury in England and its counterpart in this country is, that at home, jurymen are secluded from outside interference until their verdict has been given; whereas here, the Code provides no precaution against the jury being influenced by pressure from public opinion. If, in England, where the standard of morality is presumably higher, and where unquestionably the individual juror is less likely to be influenced either by the current of popular opinion or by persons interested in the result of the trial, it is found essential to debar a jurymen from contact with the outer world until his verdict is given, it is surely *a fortiori*

necessary in this country. Without entering on controversial ground, it may perhaps be generally admitted that the kind of moral obliquity which looks upon bribery and indirect influence as venial offences against society is more prevalent in this country than in England or the continent. The difficulty of the detection and punishment of such offences, owing to the *vis inertiae* of the public, is in fact notorious. It is impossible to suppose that in trials of importance, lasting perhaps for several days, attempts are not made to intimidate or persuade native jurymen to give a verdict favorable to the interests of wealthy and powerful criminals or complainants. As to the likelihood of such corrupt attempts being made, I think it right to quote native testimony. One of the most experienced and able of the Government pleaders reported in 1884 when, as on several other occasions, the question of extending the system was under consideration, that "jurymen are canvassed, applications are made to their relatives and friends to influence them, and the result is that it is almost hopeless to secure convictions against wealthy and powerful men, especially if their trials last for more than one day." Can it be supposed that in the celebrated Orissa temple case the Raja of Puri, the venerated hereditary custodian of the most celebrated shrine of India, would ever have been convicted of murder by a native jury? The experience of this Government pleader and others shew that jurymen are approached by people interested in the result of the trial, and there has been more than one suggestion of a special law being passed rendering such canvassing of jurymen during a criminal trial punishable. I look upon such a law as certain to be fruitless, because it would be hopeless to expect any conviction. In cases where an illegal gratification has been demanded and refused, experience shews, that in some rare instances, proof is forthcoming; where it has been accepted, proof is never to be had, for it is the interest of all persons concerned to conceal the transaction. The seclusion of jurors in this country from day to day would be found impracticable, and the reasons given for not attempting to enforce such a rule, shew clearly that this mode of trial is still regarded as an experiment. The High Court observe :—

The willing co-operation of the native public who supply the jury is essential to the success of the system. The duty of serving on a jury is extremely irksome to a portion of the native community, and anything that would add to the existing inconvenience, or cause annoyance, would have the effect of making the institution so unpopular, that no native of respectability who could afford to pay the fine for default, would ever be found to serve on a jury, and the ultimate success of the experiment would be out of the question.

It might further be added that it would be practically impossible. Difficulties connected with caste, food, the climate,

and the domestic habits of natives of this country, would put seclusion out of the question. There is, however, no country where, if juries are to be confined to the points in evidence in coming to a verdict, seclusion is more necessary than in India. In England jurymen who are commonly business men, sufficiently occupied with their own affairs, and generally residents of a populous mercantile centre, are most unlikely to come in contact, by accident, with any one connected with, or interested in, the case, after they leave the precincts of the court. In India the jurymen are commonly either men of leisure or belong to the professional classes. The headquarters of the administration in the Bengal districts are small towns, and the proportion of educated public opinion is still smaller. Matters of public interest, such as the trial of an influential criminal, are topics of discussion throughout the small area where intelligence is focussed. Apart from any designing or corrupt efforts to influence jurymen, their minds cannot but be subjected to the attrition of much outside gossip. I have repeatedly been informed afterwards, on unquestionable authority, that verdicts that have surprised me at the time, were the result of the pressure of exterior influence, not corruptly, but accidentally brought to bear on jurors.

We find, then, that the three main features of trial by jury are wanting in the system in force in India. The absence of a sufficiently high standard of education, and it may be political reasons have compelled the Government to withdraw from the jury all State crimes. The occasional perversity of verdicts, and the want of confidence in juries as a body, have deprived the verdicts of finality; and the customs of the country, together with the wish to render the system palatable and popular, have combined to frustrate any suggestions for their seclusion during trial.

There is one very obvious evil connected with the want of finality in verdicts which was recently exemplified in the case of a reference from the Judge of Assam against a verdict of acquittal of a European British subject. It appeared to the English press a monstrous theory, that an Englishman acquitted by a jury of his countrymen should be liable to imprisonment by the High Court on a mere perusal of the papers. There can be no doubt that this outcry, quite apart from the merits of any individual case, was a reasonable one, and that similar complaints by the vernacular press, in the case of natives, are equally reasonable. To persons not thoroughly conversant with the history of legislation in India on this subject, it naturally appears inconsistent with the first principles of jury trials that verdicts can be thus reversed. As soon as popular excitement is aroused over any case of unusual interest,

especially such as appeal to race-feeling, the press at once finds out the indefensible blot. Anything more unfortunate, from a political point of view, than the provision under notice, it is impossible to conceive. Every case in which a verdict is reversed, when the respective parties belong to different nationalities, at once arouses, and, I repeat, is reasonably calculated to arouse suspicion and indignation.

III.

These anomalies have repeatedly formed the subject of consideration by Government with a view to their rectification, and it has been frequently proposed to make trial by jury universal both as to locality and class of crime. The last discussion took place in 1884, and, as on this occasion the various opinions expressed on it from time to time by officers concerned with the administration of justice was brought under review, it will be convenient here to notice them in some detail.

The first expressions of opinion were called for in 1863, but as the scheme was at this time somewhat immature, I will commence my resumé from the data available in 1865. The whole of the Commissioners and Magistrates were opposed to the system. Their objections were based generally on the following considerations: that in important cases where the parties were rich and influential, justice would be defeated by the absence of independence and moral courage; that the natives were educationally not qualified to serve as jurors; that there was a want of conscientiousness in the performance of public duty which led them to shirk it as a disagreeable burden which had been imposed upon them against their will, and that there was no honest desire to arrive at a right result, but that the general wish was to bring the trial to an end as soon as possible—a feeling which generally resulted in the acquittal of the prisoner. Others reported that there was a general tendency of sympathy with the accused. One of the most experienced Commissioners, Mr. Schallch, considered that “the country is not yet adapted for the introduction of the system, as even the higher classes of the people” “are unfit for the duty, not so much by reason of their education, as on account of their peculiar religious tenets and their more cherished feelings and prejudices, and their ignorance of the first principles of the law of evidence.” He recommended that Brahmins should be tried by a ‘mixed jury of Mahomedans, Hindus and Eurasians or Europeans,’ as otherwise they “might be acquitted solely through the religious scruples of Hindus.” I may observe, in passing, that this suggestion is a strange adaptation of the principles of English law. A graft of so diverse a nature might well alter the fruits of the parent tree.

One judge, Mr. Rivers Thompson, then Judge of Nuddea, expressed himself in its favour, and as his arguments contain the only important reasons I can find in the course of the proceedings which boldly justify the system on its merits, it will be more convenient to refer to them later on.

The general result of the opinions collected in 1865 was strongly adverse, and most of the officers consulted recommended its abolition. One or two of the judges expressed themselves as being opposed to its abolition after so short a trial, and in conformity with the views of Mr. Schalch, suggested a mixed jury consisting of Eurasians or Europeans, with natives in all cases. The difficulty of obtaining a qualified number of persons from whom juries could be selected was pointed out by all officers, and an increase of the radius of selection was recommended from 10 miles to 20, and a reduction of the number of jury from seven to five. The latter proposal has, as I have before observed, been adopted, and the former suggestion has been extended under the existing Code, so as to include all persons of moderate education who live within the limits of the district. This extension of area, while increasing the very limited number of individuals from whom a selection can be made, is in practice found to be oppressive. Sir Cecil Beadon in 1865 and again in 1867, before his retirement from Bengal, acting mainly on the views expressed by Mr. Rivers Thompson, considered there were no grounds for its suspension or abolition, but recommended greater care in the preparation of jury lists, and in taking precautions that the duty of serving on juries should not be too frequent and harassing, and that jurors should be treated with consideration and respect during their attendance at headquarters. In 1867, immediately before his retirement from Bengal, he recorded it as his deliberate opinion that "the trial of all offences before the Court of Session in all parts of the province ought to be by jury, and that the system might be universally adopted not only without prejudice to the administration of criminal justice, but with decided benefit to the courts, and increased confidence of the public in their judgments." Sir Cecil went on to observe that "the success of the system must mainly depend on the selection of the most efficient and experienced judges for the important duties connected with jury trials." Notwithstanding this sweeping expression of approval, the Government of India declined to extend trial by jury, possibly because Sir Cecil has not explained the practical reasons which led him to form his opinion. Trial by jury was again reviewed in 1868, and the High Court were asked to report as to the advisability of extending it either to new offences or to other districts, and whether

provision should be made for empanelling special juries, and for preventing access to jurors during the progress of trials. The High Court were against all these suggestions. As regards special juries, it was properly pointed out that there was already a great difficulty in keeping up lists of persons qualified to sit as common jurors in mofussil stations. It was most unadvisable to reduce the standard of education for common juries by the creation of a fresh class, or to diminish the numbers available for common juries. The High Court emphatically observe that the "system was still on its trial."

In 1871 all the Commissioners, except one, reported decidedly against it, and from time to time instances of failures of justice were brought to the notice of Government, and the withdrawal of the system from various districts suggested. These recommendations, however, were invariably rejected.

In 1872 the Government of Bengal consulted the High Court as to whether trial by jury should be abolished, extended, or modified. 7 out of 9 mofussil judges who were consulted recommended its abolition. The High Court were not prepared to go so far as this, but declined to accept the responsibility of extending it to other districts or other offences. It was at this time that Mr. Justice Jackson recorded the views to which I have referred in page 136. and which resulted in the important modification of the trial introduced by the Code of 1872. Mr. Jackson observed that, "with such modifications" "as these, the system might be maintained, and after ten years' existence, it could perhaps hardly be withdrawn. It was now too late to withdraw entirely a boon granted 10 years ago." Sir Ashley Eden is understood also to have considered the system unsuitable for the country; but he did not embody this opinion in his report on the provisions of the Bill of 1882.

From the history of the discussions on the subject up to this period, it will be seen that on one occasion it would probably have been abolished but for its being looked upon as an experiment which should be given a longer trial, and, on another, it would have been given up as an experiment that had failed, were it not that its duration, by that time, prevented its withdrawal.

In 1884 the question was, I believe, for the last time mooted of extending trial by jury to certain specified districts, *viz.*, Midnapore, Rajshahye, Rungpore, Mymensing, Chittagong, Cuttack and Jessore; but it turned out, after consulting the Collectors and Judges of these districts and the Commissioners of the respective divisions that, in addition to the opposition of nearly all the officers consulted to its extension, for reasons before specified, the project was hopeless from an administrative point of view. It was discovered that in all the districts

named, the paucity of educated jurors available made it impossible to prepare a suitable list.

The following are the figures given in the official reports for Midnapore, Jessore, Chittagong and Rajshahye, the only districts where there appeared any probability of a sufficient number of intelligent men being found :—

District.		Number of persons required.		Number available.
Midnapore ...	...	400	...	207
Jessore ...	...	210	...	107
Chittagong ...	...	300	...	250
Rajshahye ...	...	120	...	120

It may be observed that these figures, conclusive as they are, might be much strengthened; and that the disproportion between the number of eligible jurors required and the number available, is in reality much greater than is here apparent, *e. g.*, the number of sessions trials at Midnapore is reported to be 80 on an average of three years, which would require 400 jurors actually to sit on trials. The number of persons summoned should, however, be at least double the number required, in order to allow for the invariably large percentage of absentees from illness, change of residence and other valid grounds of excuse, to say nothing of the right of challenge. Practically, it is found that even where the jury list is revised carefully every year, out of 10 summoned, not more than an average of 6 attend. The same mistake has been made in the cases of Jessore, Chittagong and Rajshahye. In the last case the figures are altogether vitiated owing to the error of estimating the number of the jury at 3 instead of 5.

The objections to the system were thus summarized by the High Court in their reply to the reference made to them by the Government of Bengal :—

(1.) The difficulty of procuring proper persons as jurors, regard being had to deficiency of education, using this term not only in its popular sense, but in its widest acceptation.

(2.) Superstition and prejudice, which are still disturbing influences, not infrequently leading to failures of justice.

(3.) Perversity, instances of which occasionally come to the notice of the judges.

(4.) Inability to grasp numerous details in complicated cases. It is to be remembered that there are no special jurors in the mofussil, and that the proposal to have a special jury list was considered inadvisable, because the formation of such a list would seriously diminish the intelligence and capability of the general jury list.

(5.) Distaste for the duty shown by those whose services as jurors are especially desirable. Native gentlemen unconnected with the courts as pleaders or mukhtars, are too

generally unwilling to make that sacrifice of time and comfort which the discharge of this public duty requires of them. Private individuals, as a rule, show no alacrity to take that share in the administration of justice which it is sometimes supposed they are anxious for.

(6.) The difficulty of providing a sufficient number of District Judges who are sufficiently experienced and qualified to preside at the trial of jury cases.

In these opinions three of the judges did not concur, but they fairly represent the views of all the local officers who were consulted with the exception of a small minority. This minority consists, it should be observed, of four Sessions Judges who have, I believe, had little or no practical experience of jury districts. One of them observes that the introduction of the system would probably tend to shorten trials. This is a misapprehension: the time required in summing up to a jury in a difficult case, and recording the heads of the charge, is at least as long as that required for writing a judgment. The addresses to the jury on both sides are usually longer than would be made to a judge sitting singly; and the time occupied by the jury in considering their verdict is often, especially in simple cases of homicide where the evidence is tolerably conclusive, protracted beyond reasonable limits. In difficult or complicated cases where there is any conflict of evidence, the result being a foregone conclusion, the deliberation is often brief.

IV.

The discussions which occurred in 1884 resulted, as all the earlier proceedings had done, in the matter being left in *statu quo*, its maintenance being only upheld under the impression that a privilege once granted and continued, although admittedly as an experiment, could not well be withdrawn. It is hardly likely that for many years to come its extension will be again advocated or even mooted. The historical review of the subject being thus brought to a close, I shall now discuss its practical results from a statistical point of view, and I believe I shall be able to prove to demonstration, and almost to mathematical demonstration, that serious failures of justice occur every year, more especially in the most important class of cases, owing to its introduction and maintenance.

The following statement, the bearing of which on the question will be shortly perceived, shows the result of appeals from the decision of Sessions Judges during the years 1882, 1883, 1884, and 1885:—

		1882.	1883.	1884.	1885.
Affirmed ...		543	569	585	690
Reversed ...		45	40	51	64

I exclude those cases in which the punishment was reduced or the order varied, for the reduction or variation of the punishment imposed is not a matter which affects the correctness of the conviction.

It will be seen therefore that the decisions of Sessions Judges were reversed in about 8 per cent. of the cases tried by them. In the same years the following are the number of trials held by jury, and the number of cases in which the Sessions Judge disapproved of the verdict either wholly or partially :—

	1882.	1883.	1884.	1885.
Number of jury trials...	370	344	346	348
Number of cases in which the Sessions Judge disapproved of the verdict wholly or partially ...	62	52	69	66

I have omitted the earlier years, as the proportion in the ratio of sessions cases reversed in appeal, as well as of trials where the judge dissented from the verdict of the jury is almost identical, and it is unnecessary to include more statistics than are required for the argument.

Adding together the figures for 1882, 1883, and 1884 and 1885, we find that out of 1,060 jury trials held in the four years under review, the judge dissented from the verdict in 249 cases. It may be observed that in all but a quite insignificant proportion of such cases the dissent was from a verdict of acquittal. In these cases, therefore, a Sessions Judge, sitting alone or with the aid of assessors, would have convicted; and the first question is whether those convictions would have been right. I think I am entitled to assume that the ratio of acquittals on appeal to the High Court in all such cases would be certainly no greater than the general ratio, *viz.*, 8 per cent. It is likely in reality to be much less, because the judges usually selected to preside over jury districts are, as is abundantly shown by the correspondence in experience, if not in ability, the picked men of the judicial service. Taking however 8 per cent. as the ratio in which the High Court would in the average decide adversely in appeal to the opinion of the Sessions Judge, about 20 or 21 of the 250 cases in which the judge would have convicted might have been set aside by the High Court. There remains some 230 heinous cases which have been brought to trial in the four years under review which should have resulted in a conviction, and, but for the provisions or section 307 of the Criminal Procedure Code, all the criminals concerned would have gone absolutely unpunished. The provisions of section 307 are as follows :—

If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the

charges on which the accused has been tried so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it, and if it convicts him, may pass such sentence as might have been passed by the Court of Session.

In the more recent resolutions in which Government has dealt with the alleged failures of justice arising from the jury system, this section has been repeatedly relied on as affording a remedy for all flagrant cases of acquittal against the weight of evidence.

In the Government of Bengal Resolution on the Police Report of the Bengal Presidency for 1882, I find the following quotation from the Inspector-General's Report:—

In the five chief jury districts of Hughly, the 24-Pergunnahs cum-Howrah, Burdwan, Dacca and Patna, 141 persons were tried before the sessions for murder and culpable homicide, of these 44 were convicted and 97 were acquitted. These figures speak for themselves, and show, I think, that in the interests of justice, cases under Chapter XVI (of the Penal Code) should be withdrawn from the operation of the jury system, or at least cases under sections 302, 303, 304, 307, 308, and 396 to which the above figures relate. I have no hesitation in asserting, even in the face of the above figures, that in the more serious forms of crime the action of the police is so looked after, and the investigating officers themselves are so afraid of sending up cases wrongly, that it is the exception to have an innocent man sent up by the police in a murder case. I do not assert that in all cases there is judicial proof, but what I do assert is that with very few exceptions, there is such proof found locally—not necessarily all legal evidence—as to leave no doubt in the mind of the investigating officer as to the guilt of the person sent up. After leaving the hands of the police the case has to pass through the ordeal of the preliminary enquiry, where the action of the police is fully gone into and where there is again the same fear of committing cases that will not stand before the sessions. A false case thus stands but little chance of ever getting before the Sessions Court. Under the sections above quoted 1,275 persons were sent up by the police in the whole Province. Three hundred of these were discharged by magistrates, 303 were finally convicted, and 400 were acquitted. The rest 272 were pending trial or otherwise disposed of. Thus, out of 699 persons under these sections, whose cases were disposed of by the Sessions Court (four were convicted by a magistrate and are omitted) 400 or 52·2 per cent. were acquitted, while in the jury districts, as above shown, 97 persons out of 141 or 68·8 per cent. were acquitted. The percentage of acquittals for the whole Province in all cases is 40·9; so that even in non-jury districts it is clear that judges are very chary of convicting in murder cases: while, as shown above, a conviction in a jury district is next to impossible.

I quote this extract not* for the value of the opinion given so much as for the figures which appear to me to be very significant. Without endorsing all that the Inspector-General implies as to the impossibility of false cases ever reaching the Court of Sessions, I decidedly concur with him in his view that the sifting process which cases undergo before reaching the Sessions Court is efficacious in weeding out all but a small proportion of cases based on false evidence. The resolution, after quoting this passage, expresses dissent however from the suggestion that the class of offences in which failures of justice are most prominently indicated, *i. e.*, those of heinous crime against the person, should be withdrawn from juries, and points out certain remedies as to greater care in commitments and less delay in dealing with the preliminary enquiries before magistrates.

In the Government Resolution on the Police Report of 1884 the following remark is made as regards the assumed effect of section 307 :—

If in any case a failure of justice occurs owing to a manifestly wrong verdict of the jury, the remedy lies in the application of section 307, Cr. P. C. (the section is here quoted). These provisions, in the opinion of the Lieutenant-Governor, are too often overlooked. They should, if fully used, be a sufficient check on improper acquittals by juries.

These views were expressed during the period of Sir Rivers Thompson's Lieutenant-Governorship, and it is not unnatural that they should in some measure reproduce the opinions expressed by Mr. Rivers Thompson when he was judge of Nuddea in 1863. It appears to me, however, that the figures I have quoted from the High Court's Criminal Administration Reports, and which are far more useful vehicles of criticism than the Police Returns, prove to demonstration the utter inefficiency of section 307 to secure a proper administration of justice. I think I am right in asserting that a Court sitting to hear a reference from the verdict of a jury under section 307, demands—and very naturally so—a higher standard of proof to induce it to set aside the unanimous verdict of a jury than it would require to enable it to uphold the sentence of a judge in appeal.

In the year 1883, in which, as we have seen, the Sessions Judges dissented from the verdict of the jury in 52 cases, 16 cases only were referred to the High Court. The finding of the jury was reversed in 12 of these cases and confirmed in 3. In 1884 in a total of 29 cases (out of 69 in which the judges dissented) the High Court reversed the verdict of the jury in 15 and confirmed the verdict in 12 cases. In 1885 out of 66 in which the Sessions Judge dissented 26 were referred, and in 18 the verdict of the Jury was reversed.

No improvement is perceptible in the figures for 1886 as disclosed in the High Court Administration Report. Out of 45 cases in all, in which the Sessions Judge dissented from the verdict, it was only considered possible to invite the interference of the High Court in 22 cases. In only 12 of these cases was the verdict set aside. In another case, one of homicide, where the evidence was overwhelmingly strong, the High Court concurred with the Sessions Judge that the verdict could not be sustained, and directed a new trial before a fresh set of jurors, with the result that the prisoner was again acquitted.

It appears to me the great diversity in the results of references to the High Court in different years shews clearly that section 307 is practically inefficacious. As long as the reasonableness of the grounds which lead a jury to come to a certain conclusion, and not the correctness of the decision itself, is the question before the Court, it is obvious that, while the reasons which influenced the jury are quite unknown, the chance of the reference being successful depend very much upon the view entertained by a particular bench of the desirability or otherwise of interfering with verdicts.

I do not wish to encumber this article, which I have striven to render as little technical as is consistent with clearness, with detailed references to decided cases, but the outcome of these cases is undoubtedly on the whole to establish the proposition that unless the verdict can be shown to be entirely unreasonable, perverse, and patently wrong, the High Court will not interfere. It is a matter of common experience in references made under this section for the High Court to express concurrence with the views of the Sessions Judge, but to decline to disturb the verdict, because it is one at which it is not utterly unreasonable to arrive. In plain English, unless a verdict can only be explained on the ground of its being either obviously corrupt or obviously irrational, it is allowed to stand. It is only in a comparatively small number of cases in which the judge dissents, that he is *entitled* under the interpretation placed by the Courts on section 307 to refer the verdict for reversal. Even in this comparatively small number, the reference is, as has been seen, often unsuccessful; when we find that out of the 183 verdicts of acquittal from which the judges dissented in 1882, 1883 and 1884, the operation of section 307 was only efficacious in 7, 12 and 15 respectively (or 34 in all)—presumably the strongest and clearest instances of error—it is perfectly obvious that it would have been futile for the Sessions Judge to have referred others from which they dissented, where there was greater reason for declining to disturb the verdict. Thus a large numerical preponderance of presumably incorrect verdicts must be allowed

to stand. I say "presumably incorrect" in reliance on the figures which the ratio of the reversal of the sentences of Sessions Judges on appeal bears to the aggregate of sentences. This is the only *general* standard to which it is possible to appeal, and I think it will hardly be contended that in any but an infinitesimal number of instances ("deminimis non curat lex") is a conviction likely to be erroneous which has successfully passed the ordeal of the committing officer, the Sessions Judge and of two High Court Judges sitting in appeal. I feel some confidence therefore that the common sense of the educated public will accept the fact which is a necessary corollary to the above statistics, *viz.*, that the jury system results in the acquittal of a large number of individuals every year who ought to have been and would have been convicted by a Sessions Judge trying the case with the aid of assessors. The class of cases in which the preponderance of unjust acquittals occurs is, as pointed out by the Inspector-General of Police, that of murder and culpable homicide, the very cases in which it appears to me society has the most distinct right to demand the protection of the best administration of justice that is available. The reports of individual judges from year to year are almost monotonous in their reiteration of the imperfections of the jury system in dealing with offences falling under this category. Among a large number of such reports I quote the following, premising that throughout the article I have thought it invidious to mention any particular district, although there is no doubt that in some districts the failures of justice are appreciably more notorious than in others. Each report comprises the opinion of a separate officer, and relates to a separate district :—

"Of the jury system, I can only repeat my opinion, heretofore expressed, that in cases of homicide—indeed I may almost say in all cases of hurt to the person not subsidiary to some other offence—it is grotesquely inappropriate. The mere fact that a judge may, by reference, obtain a capital sentence in the teeth of a unanimous acquittal, is sufficient to shew this. Native juries approach these cases in a hopelessly prejudiced frame of mind; generally, to this effect: "the accused may be guilty of murder in causing the death he has caused, but what is the use of our causing his death again? His victim has unfortunately died; but that is irremediable. Must we, who can avoid it, make him our victim, and punish him irremediably?" Such juries catch at any sophism or fallacy used by way of argument for the defence, and, as in such cases the policy of the defence is to call no witnesses and thus have the last word, these fallacies are not answered from the Crown side; and it is not one of the least difficult duties of the judge in his charge to refute them. In fact, I know no more hopeless or thankless task than a Sessions Judge's, in charging in a case of murder. He has the invincible prejudice of the jury to try and overcome; he has to impress them, which can only be done by force of mere iteration, and often not even so, with the legal aspect of the facts in evidence; and he has above all, to try and disabuse their minds, already too disposed to

receive them, of the effects of an appeal on behalf of the accused in which his advocate has used every device of sophism, of fallacy, and even of direct misrepresentation."

"The disinclination of Hindus to convict capitally is notorious, and it is, I think, worthy of the consideration of Government, whether this disinclination, based as it is on deep-seated religious convictions, does not constitute a sufficient reason for withdrawing such cases from trial by jury. Failures of justice constantly arise from this cause. In my opinion, either the punishment of death should be abolished, or the power of finding on facts necessitating the punishment, should be withdrawn from persons whose religious convictions militate against returning a proper finding. Having to choose between two conflicting duties, they not unnaturally adopt what they consider the paramount duty of blood guilelessness. I may mention as an illustration the remark of a jurymen, not of course made to the court, which came to my knowledge through a trustworthy source. Five persons were charged with murder, but the majority of the jury acquitted, though, I have no doubt, they would have found a verdict on the facts had a capital sentence not been the probable legal consequence. The remark was, *that it was better that one man should be killed than that five others should be killed for killing him.* I believe this remark to have been made in perfect good faith."

"On the general subject of the result of trials, I wish to state that every year's further experience of the jury system convinces me more and more that, while for nearly all ordinary offences it works well, it is not suited for trying matters of homicide. Where the accused is not absolutely acquitted in the teeth of reasonably satisfactory evidence, every advantage possible is taken by juries to convict of lesser offences, as hurt, &c. One of the most difficult and invidious duties of a judge is to combat, in the case of a reluctant jury, impressed by a specious address for the defence, all its fallacies and inconsistencies."

"I have nothing to add to what I wrote last year on the subject of trial by jury. I am still of opinion that it (the system) is unsuited to the country, and that it leads to the escape of many guilty persons. Unless a case is very clear, it is almost useless to send it before a jury; and even very clear cases sometimes do not succeed, as the very amplitude of the evidence seems to rouse suspicions in the jurors. Except in questions of law, I do not think that the jurors are at all guided by the opinion of the judge. Service on the jury is much disliked, and, I believe, that most people would welcome the abolition of the institution."

"I am also clear that the bad result of the commitments for the year is mainly due to the system of trial by jury. It is not suited to Bengal, or at least it is not suited to Behar, and should, in my opinion, be abandoned. The odd notions sometimes expressed by jurymen, shew how ill they understand their duties. Thus, a jurymen in one very important case justified his verdict of acquittal on the ground, that he was not as certain of the guilt of the prisoner as he was of the existence of the table in the room where he was sitting. He presented the difficulties to his fellow jurymen, and was surprised that they did not agree with him, but convicted the prisoners. In another case a jurymen told the foreman, that he would not convict, because the judge had told him that the case was either murder or nothing. He could not compromise between his reason and his feelings, by finding the prisoner guilty of a rash act, or of causing simple hurt."

The above quotations are not taken from my own reports on the result of sessions trials. They are illustrations of the views held by the most experienced Sessions Judges in the

Province. It is needless to observe that a Sessions Judge has no bias one way or the other as to the results of trials held before him. It is probable that many regard the verdict of the jury as a matter of complete indifference. They are not responsible for the introduction and maintenance of this mode of trial, and are in no way prejudiced by its outcome. They have not the keen interest of the police, and it may be, of the committing officer in the success of prosecutions. Their duty is to see that the trial is held according to the system prescribed by law, with perfect fairness both to the prosecution and the prisoner. At the conclusion of the trial, if the verdict is not utterly, even grotesquely unsustainable, so as to call for the exercise of their jurisdiction under section 307, they have simply to give effect to it. Were it not that they are expected every year to report to the High Court their opinion on the working of the jury system, little or nothing would probably be heard of its shortcomings. I think, therefore, that Sessions Judges are the best, as they are also the most unprejudiced and impartial authorities on the subject, that are available. Their views may well be accepted with respect, and when we find them almost all coinciding in the opinion, that under this system, a large proportion of offenders, guilty of the various forms of culpable homicide and serious injury to the person, are improperly acquitted, the gravity of the constantly-recurring mischief to society should be recognised, and if juries are to be retained, some remedial steps adopted. Every one is interested in the administration of the Criminal Law, and more keenly concerned in proportion to the gravity of the offence. It is a truism to say, that nothing more nearly concerns the whole population of the country, than that it should be efficient and certain. Administrative questions are but the machinery for accomplishing reforms. The purity of criminal justice is an end in itself, on which depends the safety of the whole community in life, honor, and property.

I wish to deal with forbearance and delicacy as regards the questions which affect the personnel of Bengal juries and render them unsuitable for the trial of a large class of offenders. The facts given in the earlier part of this article shew the very limited number of the educated population of each district, to which it was recently proposed to extend the system, eligible as jurors. The list in many of the districts where it flourishes, is also a meagre one. Notwithstanding the alleged eagerness with which trial by jury is demanded by the people of Bengal at large, nothing is more perceptible than the efforts of individuals to escape participation in the so-called privilege. The duty is looked upon as both irksome and disagreeable, and is often success-

fully evaded by prominent zemindars and the élite of the native community, either through evading the service of summons or on a plea of ill health. Many of the most eligible residents are exempted from the list by enactment. Pleaders and other legal practitioners are not excluded by law, but often obtain immunity from service owing to their professional engagements. I believe that some of them endeavour to secure the appointment of Honorary Magistrates with a view to avoiding a function which, whatever the theory may be, is practically felt to be distasteful by everybody. The majority of jurors who actually serve are petty zemindars, shop-keepers, and the subordinate class of Government servants. A jury composed exclusively, or principally, of these classes, is not, as a rule, competent to judge correctly of the weight of evidence. Much no doubt has been written of the hereditary function of the village punchayets, and of the trained habit of mind in dealing with evidence which successive generations of rural administrators gain by adjudicating on caste and social disputes. I do not concur with this view. Caste and social questions are decided on totally different principles to those recognised by our rules of evidence. Moreover, when the punchayet meets, the facts are usually undisputed and notorious, and their functions are rather to impose a sentence than to decide as to guilt or innocence. Almost the whole of my judicial service has been spent in jury districts, and I am personally familiar with 6 out of the 7 jury districts in Bengal. The result of my experience is, that in most districts, the jury occupies itself in cases of homicide and of serious offence against the person, not so much in endeavouring to come to an honest conclusion whether the evidence shew that the accused is guilty of the crime or not, but whether, in the case of one particular witness or one particular incident in the trial, there is a flaw or a contradiction which will afford *prima facie* ground for an acquittal.

The tendency on the part of Indian Judges to reject the entire story for the prosecution owing to the untrustworthiness of some particular witness, has repeatedly proved the subject of comment in works on evidence. Long before the jury system existed or the present Evidence Act was passed, Mr. Norton in his "Lectures on the Law of Evidence Applicable to the Courts of India," observed as follows: (s. 776) "discrepancies, often trifling in themselves, when compared with the great mass of evidence in the case, are only too frequently made, in Indian Courts, the ground of acquittal or disbelief. The acute and practised judge will generally be able to sift the wheat from the chaff, to separate the true from the false; and if after this has been done, there remains a residuum of credible testimony, he should thereon found his

judgment; not reject the whole evidence on account of its being more or less tainted with incredibility." It need hardly be said that these remarks apply with still greater force to the deliberations of a jury.

The mental attitude thus described is the one which judges find it most difficult to combat in their charges. It is highly essential that among a people whose notions of evidence are often very rudimentary, a judge should invariably avail himself of the provisions of law which allow him to express his opinion to the jury on questions of fact. But experience shews that Bengal juries are often indisposed to accept, or sometimes even seriously to consider the inferences of fact which a judge places before them. There is thus the double disadvantage of a false mental attitude and a disinclination to carefully weigh the considerations urged by the Bench. Then it is impossible that the consciousness of this disposition in the minds of jurors should not react unfavorably on the judge himself when he has to oppose, *e. g.*, in a murder case, the strong bias of the jury to acquit if possible, and the determination to grasp at any straw which will enable them to save themselves from the stigma of being immediately concerned in a sentence of death. A judge is often compelled to endeavour to annul this *apriori* bias by laying more stress on the facts in evidence against the prisoner than would be necessary or becoming in England. What can be said in favor of trial by jury in murder cases, when an important and intelligent class of the resident population, the * Oswals, are so opposed on religious grounds to the imposition of a capital sentence, that they are, with the assent of the pleader for the accused, invariably challenged, and have to stand out in such trials if their names have been accidentally drawn in the ballot? This religious conviction of the Oswals is reflected less strongly among all the Vaishnavs, and in nearly every phase of rural Bengali society, and more especially when the accused person is a Brahmin. I am far from asserting that Bengal juries do not in many cases conscientiously and courageously perform their duty in such trials, but I do say that the strain on their conscience to which they are subjected, is one that often breaks down under pressure, and that it is unfair to the population at large that the chances of convicting a heinous criminal of this type, should be left in the hands of a body of men who, however well meaning, are incurably prejudiced in favor of acquittal.

I am loth to give individual instances from my own experience of obviously perverse or corrupt verdicts, not only

* A numerous class of settlers from Ajmir and other States of Rajputana, principally employed in banking and money lending. They belong to the Jain religion.

because such selections might be deemed invidious, but also because individual instances do not, as a rule, carry much weight. In dealing with particular facts of which mathematical demonstration is not possible, the retort is always possible that the jury may have been right and the judge and the High Court wrong. I am far from asserting, that in India the same degree of evidence is required for conviction as in England. For many reasons the standard of proof in this country must be higher. Fabrication of false cases, and the manipulation of evidence by the police, especially in the case of habitual criminals, are by no means uncommon. I quite admit that evidence of a strong and convincing nature is properly demanded by the jury. But what are we to think of a case such as the following? A Brahmin sepoy in one of the Bengal Native Infantry Regiments ran "amuck," shot several of his comrades, barricaded himself in a hut in the centre of the Native Infantry Lines with his rifle and several rounds of ammunition and threatened death to any one who approached. He was finally seized by an English officer who crept into the hut from behind. The murders had been committed in the sight of nearly the whole regiment and numbers of eye witnesses were examined. The accused had literally no defence, but on a simple plea of not guilty in the Sessions Court, the jury acquitted him. It is true that in this case the provisions of Section 307, Criminal Procedure Code proved efficacious, and the murderer was convicted and punished. I am glad to add that in this instance, and in some others with which I am acquainted, the verdict was received by the educated native public with ridicule, and even something like indignation. Such instances are, however, in my experience rare.

One such illustration as the foregoing is, one would think, sufficient to indicate the weakness of the system where any strain is thrown upon it. It is idle to say that juries are conscientious, because they readily convict a thief caught in the act of house breaking, when a murder in open daylight before crowds of spectators is, so far as the jury is concerned, an act which can be committed with impunity.

When the secrets of the jury box are occasionally disclosed, many of the incidents which occur are sufficiently startling. I have been told in more than one district of Bengal by pleaders who have served as foremen of juries in murder cases, that on retiring to consider the verdict they have been entreated by the less enlightened jurors to come to some conclusion, no matter what, which will save the life and liberty of the prisoner. I can corroborate from my own experience the fact alluded to at page 151, that juries in murder cases are often influenced by the fatalistic

feeling that, because one life has been sacrificed which is irremediable, it would be wanton and useless cruelty to take another. It is hopeless to argue with a state of feeling of this kind. It is, however, the prevalent mental attitude of the lower classes, and it permeates even to the ranks from which our juries are taken. But it is not only because of the improper acquittals of offenders against the person that I look upon the jury system as leading to miscarriage of justice. I consider that, in the case of habitual offenders who are committed to the sessions for the crime of house-breaking or larceny from the person, the very opposite defect is manifested. I emphatically assert, and commend these observations to the attentive consideration of educated native society, that offenders of this nature are not so secure of a fair trial as if they were tried by the judge singly. I have frequently observed, and have reported the result of my observations, that the provision laid down by the Criminal Procedure Code with the laudable object of concealing from the jury or assessors the fact that the accused is an old convicted thief, so that they may not be unduly prejudiced against him in the trial of his case, is utterly futile. There is none of the bias in favor of acquittal in such cases that exists as regards offences against the person. The jury often contains shop-keepers who live in daily and nightly dread of the very class of men who are sent up to the sessions as habitual offenders. I am convinced that the jury in these cases are influenced by the fact that the accused has previously committed crimes of the same nature, as the one charged, and in many cases his guilt is for this very reason looked upon as a foregone conclusion. But it is practically impossible to prevent this fact coming to the knowledge of the jury. In the first place, juries who are not devoid of ordinary intelligence, know very well that a thief or a burglar is not sent up for trial for his first offence. In the next place, such accused are almost invariably undefended, and the very essence of their plea is nearly always that owing to their being old offenders they are under police surveillance; that they are looked upon as black sheep, and that they are sent up to the sessions on any plausible pretext in order to save further trouble to the authorities by being sent to jail or transportation for a long period. This admission, which is exceedingly damaging in the eyes of native juries, is almost invariably elicited, either when the accused is asked to cross-examine witnesses for the prosecution or when he is called upon for his defence. In cases of theft and house-breaking the facts are generally amply substantiated, and no practical injustice arises. In dacoities, however, or gang-robberies accompanied by violence, where a large number of prisoners are placed in the dock,

it is not unusual for the police to include among the real offenders old convicts who are innocent, and in such cases when the prosecution is based on an assumed recognition of each individual during the outrage by the sufferers, I believe that the previous conviction which, as I have shewn, it is practically impossible to shut out from the knowledge of the jury, does operate prejudicially to the interests of the accused. The only instances in which I have occasionally felt some hesitation as to the correctness of a verdict of guilty, are of this nature.

V.

I now proceed to examine the arguments in its favor which are put forth by the apologists and upholders of trial by jury. I commence by referring to Sir Rivers Thompson's views expressed in 1865 when he was judge of Nuddea. He considered that :—

"Whatever confidence a native may have in the strict and unswerving impartiality of the European judge, he was not so satisfied that he ever placed the same reliance in his powers to comprehend all the intricate details which are involved in a difficult case, where only natives are concerned, and it is just in these cases especially where questions of caste and questions involving family disputes, and native social life and manners are constantly arising, that a jury, taken from the body, of the community and intimately acquainted with the ordinary transactions of native life, were in the best position for giving most material assistance to the court."

He goes on to observe that—

"He felt sure that the general abolition of the system of trial by jury would be a retrograde measure. Every year he hoped to see an improvement, of what in its present stage could only be regarded as an experiment, and while no institution could be better devised for leading the people to think and act more independently for themselves, to rely less upon the opinions and assistance of others, and trust more to their own energies and exertions, the diffusion of the knowledge of the laws, in the practical administration of which they took so responsible a part, would produce a more intelligent attachment on the part of the natives to the Government under which they live."

Whatever force these arguments might have, if the trial of all offences were by jury, they are greatly weakened when we find that it is precisely in those cases where native social customs and caste are involved, that trial by jury has never been seriously suggested. The discussions in the year 1884, which I have referred to above, resulted in a tolerably universal concurrence of opinion that under no circumstances would it be safe to extend to juries the decision in offences against marriage (Chapter XX Indian Penal Code.) These offences are bigamy, adultery, and enticing away a married woman. These are, so far as my experience goes, almost the only class of cases in which the verdict of a native, if it could be trusted,

would be most valuable. The most unsatisfactory criminal cases which are reported in the Indian Law Books are, to my mind, those which deal with the native customs of marriage. Among the lower orders in most districts of Bengal among some communities, certain informal divorces are permitted and sanctioned by the caste rules of the particular sect and the re-marriage of the woman allowed by public opinion. Among others, the ceremony of marriage itself is surrounded by many obscure and peculiar rites, the omission of which renders, what is apparently wedlock, mere concubinage in the eyes of the fellow caste-men. On a rupture of this tie and formation of fresh intimacy by the woman with another member of the same caste, the question whether bigamy or adultery has been committed is often one which is exceedingly difficult for an Englishman to decide. In fact, these are the very cases in which the experience of native jurors with regard to the rites of the lowest classes of their own society might be considered a better tribunal than that of a judge. They are precisely those in which it has been decided that for other considerations native juries are not to be trusted. On the other hand an experienced Englishman is quite competent to judge of the bearing and weight of such native customs and modes of thought as are incidental to the trial of offences against the person and property, and he is less likely to assign undue importance to them. In one case I distinctly recollect that a jury was led astray by reliance on a particular custom. In a case of culpable homicide in which there was overwhelming direct evidence and no reasonable doubt of the guilt of the accused, the jury acquitted the prisoner, because one of the witnesses, a child of ten years' old, whose evidence was relevant only as regards a collateral incident, accounted for his presence on the occasion by saying that he was flying a kite. The occurrence took place in the hot weather, and the jury unanimously held that as kite flying is usually only practised in the cold weather, not only was the evidence of the child to be rejected—a conclusion from which I should not think it necessary to differ—but the whole of the rest of the testimony against the accused, much of it of an unquestionable character, was to be disbelieved.

The latter portion of Sir Rivers Thompson's observations deal with the subject from the standpoint of social and political reform. They were made at the outset of the experiment, and, although I feel sympathy for the object there specified, I cannot think that any appreciable advance has been made among the community in the way of self-reliance and diffusion of the knowledge of law by the educational influence of the jury system for the last 20 years. I certainly do not think

it tends to the greater attachment of the community to the Government. The operation of the enactment for setting aside improper verdicts (and the cases so referred are very frequently the more sensational ones) tends, on the other hand, as I have endeavoured to shew above, to produce considerable friction. The figures, moreover, do not present any gradual improvement in the percentage of correct verdicts. Astounding instances of perversity are just as common now as they were in former times. I repeat that I do not believe that the privilege is valued by the people at large. The most capable class of jurymen, legal practitioners, whose voices are loud in its favor on public platforms, are the very men who in some districts endeavour to shirk the duty when their turn arrives, by the plea of professional engagements, or is the prosecution be an unpopular one, by accepting a brief for the accused person. In the mofussil it is in fact as cordially disliked now as it was in former days.

Whatever influence a system of trial by jury would have on the social progress of Bengal, if it were conscientiously carried out, I believe that at present the very opposite effects are produced. The acquittal of heinous offenders who, in the opinion of all reasonably thinking men are guilty, is a direct evil to society at large—an evil which is now being recognized by the Government. From the "Resolution on the report on the administration of the Police Department for the year 1886," it appears that the "percentage of convictions for murder to persons arrested shows a further decrease from 14·4 to 12·1, and that to persons actually tried, was only 17·1 against 20·7." The percentage in 1880 was 34·9, and in 1883, 24·4. The resolution points out that a steady decrease in the percentage of convictions for murder constitutes a "somewhat alarming feature" in the administration of the country.

It is true that the number of murders does not appreciably increase, notwithstanding the gradually increasing impunity with which the crime can be committed. But as is pointed out in the report, the ratio of cold-blooded and premeditated murders to those committed in the heat of passion does appear to increase. It is the former class of murders in which the culprit weighs the chances before committing the crime. There may be many other factors at work whose operations tend to reduce violent crime, but it scarcely needs demonstration that one of the most powerful deterrents to violent crime is absent when deliberate murder, in the vast majority of cases, meets with no punishment. And one of the most prominent reasons for this immunity, is the inefficacy of the law in jury cases. Nothing is commoner, no doubt, then to hear, in answer to such observations, the trite maxim, especially from native apologists: "it is better that 100 guilty men should escape than

that one innocent person should suffer?" It is enough to reply to this aphorism in the words of Bentham, that* "a dilemma is hear supposed which does not exist; the security of innocence may be complete without favouring the impunity of crime; indeed, it can only be complete on that condition; for every culprit who escapes threatens the public security; and so far from being a protection to innocence, such an escape exposes innocence to become the victim of a new offence." No words could be more pregnant with meaning as regards two important classes of crime in this country, agrarian murder, and the murder of young children for the sake of their ornaments.

The demoralizing effect on the minds of jurors, who from timidity, bad example, religious prejudice, or even more unworthy motives, allow themselves to participate in a verdict which they know to be dishonest, is a no less flagrant, if less immediate moral injury, to a large section of the educated population. It may be well to instruct the people in the administration of criminal justice, and to induce them to take an active part in the punishment of crime, but these advantages are dearly purchased at the price of inefficient justice. To inspire confidence in the machinery of trials is useless when there can be no confidence in the results.

For a complete discussion of the subject from the point of view of the educated natives of India, we have only to turn to the proceedings of the Second Indian National Congress held at Calcutta on the 27th to 30th December 1886. This assemblage which met at Calcutta contained delegates from all the leading Associations of the country and of most of the important towns. The deliberations were conducted with great ability. Although many classes of the community were altogether unrepresented, still the conclusions arrived at are entitled to respectful consideration as being the outcome of the debates of certainly the most distinguished gathering of highly educated native gentlemen that has ever assembled. But it may be questioned whether the very object of the assemblage *vis.*, to compel recognition at the hands of the Government of "the claims of two hundred millions of Her Majesty's subjects to some at least of those rights and privileges which are the indefeasible birthright of every fellow British subject," was not to some extent inimical to a careful scrutiny of the advantages and disadvantages for this country of that hybrid and composite system of trial which does duty in India for the "indefeasible birthright" of trial by jury. This privilege being among the undoubted rights of Englishmen, its adoption

* Bentham's "Theory of Legislation," by Hildreth, p. 431.

by the Congress on the platform indicated, appears to me to have been a foregone conclusion. The meetings of the Congress being distinctly political in complexion, their discussion of matters, which cannot in my opinion be properly approached from a political standpoint, loses the spontaneity and absence of bias which should characterise the determination of difficult problems connected with judicial machinery.

The following are the four resolutions moved and carried at the Congress which deal with judicial reform :—

I. That, in the opinion of this Congress, the time has now arrived when the system of trial by jury may be safely extended into many parts of the country where it is not at present in force.

II. That, in the opinion of this Congress, the innovation made in 1872 in the system of trial by jury, depriving the verdicts of juries of all finality, has proved injurious to the country, and that the powers then, for the first time, vested in Sessions Judges and High Courts, of setting aside verdicts of acquittal, should be at once withdrawn.

III. That, in the opinion of this Congress, a provision, similar to that contained in the Summary Jurisdiction Act of England (under which accused persons in serious cases have the option of demanding a committal to the Sessions Court), should be introduced into the Indian Code of Criminal Procedure, enabling accused persons, in warrant cases, to demand that, instead of being tried by the Magistrate, they be committed to the Court of Sessions.

IV. That, this Congress do place on record an expression of the universal conviction, that a complete separation of executive and judicial functions (such that in no case the two functions shall be combined in the same officer) has become an urgent necessity, and that, in its opinion, it behoves the Government to effect this separation without further delay, even though this should, in some Provinces, involve "some extra expenditure."

It is impossible not to sympathise, to some extent, with the objects of the latter two resolutions, and with the arguments adduced in support of them. The principle of the last resolution has been long ago recognised as sound; and but for administrative and financial difficulties, it would, no doubt, have been adopted in its integrity. There is unquestionably a general feeling that the executive authorities labour under a conscious or unconscious bias in favor of the prosecution in all such trials (and they are very numerous) in which the essence of the offence is a breach of executive rules and regulations. The public are under the impression that on the rare occasions when cases are taken up judicially by the higher

executive officers, the magistrate has a personal interest in securing a conviction, and as long as such a feeling exists, it is wise and statesman-like to recognise it, and, as far as the exigencies of finance allow, to find a remedy. Throughout the whole discussion, however, which is to be found very fully reported in the proceedings, there is no suggestion by any one of the speakers of any want of confidence in the impartiality of judges. It was admitted on all hands that criminals were secure of a perfectly fair trial, so far as rectitude of intention goes, at the hands of Sessions Judges. This admission narrows the discussion greatly. Feelings of sentiment are eliminated, and the question to be decided, even from a native point of view is, which system of judicial machinery is most likely to give the smallest percentage of error?

It would occupy too much space to give more than a very brief analysis of the arguments adduced in support of the first two resolutions. One speaker pointed out that the jury system was not "an exotic plant." India had known it from time immemorial, even among the lowest class of people. The functions of the Indian punchayet have, as I have endeavoured to shew in an earlier page, nothing whatever in common with a jury empanelled under the Criminal Procedure Code. The analogy is one of name only. Then, again, nearly all the speakers commented on the spread of education throughout India. One speaker observed, "that the supposed paucity of "persons capable of serving to good purpose on juries, is an "objection that can no longer be urged by any reasonable "man." The members of the Congress were no doubt unaware of the strenuous efforts which had been recently made by the Government of Bengal to obtain a sufficiently large jury list in even the more advanced districts to enable the experiment to be extended. As we have seen, the question is at an end for the present so far as this province is concerned.

The first and third resolutions, although from the published report of the speeches, there was undoubtedly some difference of opinion manifested, are said to have been carried unanimously. There can be little doubt that the unanimity of the voting arose from the political aspect of the Congress, whereas the variety of the views expressed, is the outcome of honest doubt of the beneficial character of the proposals.

The second resolution is the most important in connection with the present article, and in this case the proposal is said to have been carried by a "very large majority." Here, again, however, the voting appears to have been scarcely a fair test of the views of the meeting. For of the fourteen speeches, which were made during the discussion of this resolution,

seven were opposed to it on various grounds, and only the same number in its favour. It must be owned that this gives some colour to the suggestions of some of the English press, that owing to the exclusion of reporters, the published account of the proceedings is not accurate.

The object of the Congress was, as above observed, to enforce the national aspirations of the people, and the assumption involved in the arguments of some of the speakers, that the condition of the country was not sufficiently advanced to ensure the correctness and honesty of verdicts, was hardly in accordance with the avowed spirit of the meeting. It is therefore most unlikely that so strong an opposition as is to be gathered even from the published speeches should have been raised against a proposal which was, on *apriori* grounds, one likely to meet with the utmost sympathy from the delegates unless the case for the retention of the power of reversing verdicts was really felt to be conclusive. One or two of the speakers based their arguments for the retention of this power on the alleged impunity which European offenders might enjoy when arraigned before a jury of their countrymen, and allusion was made to a recent Assam case (already referred to at page 140) in which a verdict of acquittal by a European jury was reversed by the High Court on reference. This speaker observed that "in too many cases where Europeans are the culprits, this trial by jury is followed by results "which are not consistent with justice." He therefore deprecated "depriving those higher-minded and less prejudiced "Europeans, the High Court and Sessions Judges—of all power "of interfering to prevent such miscarriages of justice." It is certainly deplorable that such a view should be honestly entertained; if it be so, it supplies an overwhelming argument, not for the abolition of section 307, but for the abolition of trial by jury altogether.

There were other speakers who regarded the question from a less controversial and aggressive standpoint. One of the Madras delegates, Row Sahib P. Ananda Charlu observed—

I am inclined to think there is an undue assumption involved in this resolution, and that assumption is an utter want of confidence in the highest tribunals of the land. I could never be a party to any resolution which assumes that the highest court of the land has a tendency to prove perverse. It has been said that thousands of cases have to be considered, that in hundreds, if not thousands of cases, prisoners rightly acquitted by juries have on reference been wrongly convicted by High Courts. I, coming from Madras, (and speaking from an experience there of 15 years in the legal profession) am prepared to say that, as far as my experience is concerned, the desire of the High Court is not to differ from the verdicts of juries, but if possible to sustain them. If the state of things is altogether different in Bengal, that may be a proper reason for a movement in connexion with Bengal, but it is not a sufficient ground for passing a

resolution by a National Congress. In Madras the complaint is rather that the High Court is not sufficiently inclined to interfere with the verdicts of juries, and I have known several cases in which the High Court has refused to do this. I look upon the section of the Code to which objection is taken as a safeguard; and I look upon the highest court of the land as an additional safeguard.

Another of the delegates, a Bengali of Calcutta, Babu Kali Churn Banerjee, observed:—

Two arguments appear to have been adduced in support of this proposed resolution. One is the desirability of carrying out the system of trial by jury in its integrity, of having, in fact, a perfect jury system. Now, gentlemen, a perfect jury system is only adapted to a perfect condition of society. If we were certain of always getting juries who would give the right verdict, I should be the first to desire absolute finality for those verdicts. But the learned mover of the resolution has admitted that we are not likely to be blessed with any such infallible and immaculate juries, inasmuch as he is prepared, and desires, to allow a reference to the High Court in cases in which the jury bring in a verdict of guilty and the judge disagrees. The second argument in favor of the resolution is that, when a jury arrives at a verdict of acquittal, that verdict implies that there is a doubt in the case, and inasmuch as the benefit of the doubt should always be given to the accused, there should be no reference to the High Court and, consequently, no conviction. But we must take into account a certain class of verdicts of acquittal wherein the acquittal is not based on the principles of giving the benefit of a doubt to the prisoner; these verdicts are known as perverse verdicts, where doubt or no doubt the jurors make up their minds to acquit. If jurors sometimes do, as is well known give perverse verdicts, the argument that the benefit of the doubt should be given to the accused clearly does not apply to all cases; and, although the Code provides for reference in such cases to the High Court, this latter never interferes with a verdict of acquittal unless it considers it a perverse verdict. I consider this provision a substantial safeguard against perverse verdicts, and I must, therefore, oppose any proposal for its removal.

The views of the speakers who supported the resolutions are, it must be owned, fairly met by these honest and straightforward arguments. Mr. W. C. Bonnerjee, the mover of the resolution, is no doubt well qualified by his position, ability and large practice, to give a weighty and important judgment on a question of this kind, and his speech is entitled to be read with respect and attention. His arguments, however, are, so far as the *mofussil* is concerned, in my opinion, inconclusive, because based on an erroneous assumption. He observes—

I shall explain in a few words what is meant by this resolution. If we are to have trials by jury, it is absurd to suppose that when a verdict of acquittal has been passed by a jury, it is to be left to the Sessions Judge to say whether he will accept the verdict or not, or whether he will send the case to the High Court to be tried by them on paper evidence without, in the case of a poor person, the accused being represented before them. Trial by jury will become a dead letter if this power continue to be vested in Sessions Judges. As I have always understood, the prisoner is entitled to the benefit of any reasonable doubt as to this guilt that may exist in the mind of any person trying them. How can it be said, if five or seven or nine persons are of opinion that a man is not guilty, that there is

no doubt as to his guilt to which he is entitled to have the benefit? A jury acquits, but the Sessions Judge says, I think the jury are wrong, and the High Court, looking at the evidence on paper, agrees with him, and therefore the man must be convicted. In such a case the man does not really get the benefit of trial by jury or the benefit of the doubt which must have existed in the minds of the jury, or they would not have acquitted him. If a verdict of acquittal is pronounced that verdict should be final.

The assumption here is—(1) That all verdicts are honest; and (2) that the doubt on which a verdict of acquittal is founded is invariably a reasonable one. A greater part of this article has been devoted to an endeavour to shew that these two conditions are in many cases not fulfilled. The opinions of many of these gentlemen, no doubt honestly expressed, would, I cannot but think, undergo modification if they had some experience of Bengal juries in the mofussil. One of the speakers, Pundit Jawalanath Sarmá, in his remarks observes—

Native juries know a great many things that European judges do not; they understand how false cases are got up; a thousand insignificant matters may transpire in the course of a case which have no significance to the judge, but which at once carry a conviction of the innocence of the prisoner to the better informed minds of the jurors.

That element of perversity which, in my opinion, renders essential the power of interference which the High Court now possesses, could not have been better expressed than in this sentence, although the arguments of the speaker tended in an opposite direction. It is precisely because a jury is too apt to lay hold of one or other of a "thousand insignificant matters," and so lose grasp of the true aspect of the case, that incorrect and dishonest verdicts so often occur.

I have dealt at some length with the discussions of the Congress, because I look upon it as embodying the best expression of educated public opinion at present available. It would be both futile and unstatesman-like to ignore at the present time the views expressed by educated natives in a matter of the utmost importance to the native community, and a subject on which many of the delegates, no doubt, had special opportunities of arriving at just conclusions. At the same time, as is admitted in the report, there are many reasons why the Congress, though no doubt thoroughly representative of the various political bodies in the country, can by no means be held to be a microcosm of the 'classes' or the 'masses' of the community. So far as the classes are concerned, there was an entire absence of the old aristocracy—the so-called natural leaders of the people—among the assemblage of the delegates. Of the hundreds of the old hereditary aristocracy who are still to be found scattered over the whole country not one leading member was to be found amongst the delegates. It is, as though in lieu of household suffrage in Great Britain,

the policy of the nation was to be gathered by the collective opinions of the members for the Universities, of representatives of the local "Parliaments" or debating societies which form one of the more serious amusements of the aspiring youth of England and of some of the journalists. If a body so collected were to occupy itself, not in the promotion of social and industrial reform, but with discussing the propriety of adopting as a part of the British constitution certain provisions of the Hindu law of succession or adoption, we should have a state of things not very dissimilar to the debate upon trial by jury in the Indian Congress of 1886. The report equally dwells upon and deplores the absence of the shop-keeping class. Notwithstanding their immense numbers, "not one single man of this class was to be found in the ranks of the delegates," and finally "the rayats and cultivating classes were insufficiently represented." Among the 434 delegates who actually assembled 166 belonged to the legal profession, editors of papers, the scholastic profession, zemindars and members of municipalities formed the bulk of the remainder.

In such an assemblage as this, with the aims and aspirations above specified, it is a significant fact that so many speakers were found for different reasons to deprecate the resolution in favor of the finality of verdicts. It may safely be asserted that were the question divested of the political aspect, with which it is in reality in no way concerned, the educated public of Bengal would be fully satisfied with the system as it exists without any removal of the authority conferred on the High Court of interfering with perverse verdicts.

VI.

I have assumed throughout this article that the system, as it exists, is permanently established as a branch of the judicial machinery of the country. I have however endeavoured to shew—

That the system is so radically different from its English prototype, that its extension to this country can in no way be justified by analogy, (2) that the remedial provisions of section 307 of the Criminal Procedure Code though illogical in character, in the large majority of cases inoperative and uncertain, and from a political point of view undesirable, are nevertheless an absolutely essential portion of the administrative machinery for trial by jury, because, without them, successful prosecutions for murder would in some districts be unattainable, and (3) that for many years to come its local extension is impracticable.

I will now state very briefly what is, in my opinion, the only legitimate outcome of the facts and arguments already

adduced. It must be admitted that after a quarter of a century, its abolition is not to be thought of. If, however, I am right in my view that the principal blot on the present administration of jury trials is both the inefficacy and the bad social effect of references under section 307, it is clear that any modifications of the system which will, on the one hand lessen the frequency of such references, and on the other render them, when made, more certain in their operation and more palatable to the public at large, must be considered, if they have no corresponding disadvantages, an improvement on the existing system.

In order to attain the first of these aims I would remove from the category of offences triable by jury, all cases of murder and of culpable homicide not amounting to murder. The majority of references under this section are from acquittals in homicide cases. By their* elimination from the scope of trial by jury, more than one half such references will, in all probability, be at once done away with. The accused person will then, if convicted, regain the right of appeal in the Courts which they already possess, in non-jury districts.

The most important suggestion I have to offer is, however, one which concerns the second of the two aims above specified, and will, it is hoped, commend itself both to official and native opinion. There is a clause in the Code of Criminal Procedure which enacts (section 303) that "the judge may ask the jury such questions as are necessary to ascertain what their verdict is. Such questions and the answers to them shall be recorded." † By some Benches of the Calcutta High Court it has been held that when the verdict was clear and unmistakable, a judge was not justified in asking the jury the reasons for their verdict. Such a course was looked upon as outside the scope of a judge's functions, and the answers to such questions have not been regarded as contributing a part of the materials on which the High Court will decide whether to accept the verdict or not. But as long as the right of interference with a verdict exists, it must be obvious that the reasons which guide a jury to a certain conclusion are the most important elements to consider in arriving at a conclusion, whether a verdict is reasonable or not. I consider the law should be amended in this respect, and that a judge should be bound to inquire, after every verdict, the grounds on which a jury

* I am informed that this exception already obtains in the Madras Presidency.

† (Note) see the conflicting decisions at pp. 50 and 73, XX W. R. Cr. and page 1. XXI. W. R. Cr. :

find the accused guilty or not guilty. In the former case, the public may fairly demand that the jury should be required to state the reasons for considering the accused guilty of the crime with which he is charged. In the latter case the Crown may fairly demand that the grounds of acquittal should be stated. It may often happen that a judge, who is at first sight disposed to differ from a verdict of acquittal, may, after considering the reasons assigned, come to the conclusion that they are reasonable. On the other hand, if the reasons are manifestly unsound, if they betray either a gross misconception of fact or the existence of prejudice, the educated native public would themselves, it is to be hoped, prefer that they should be brought to light and be subjected to the criticism of the higher authorities. Assuming the fitness of the native community in the seven jury districts for the performance of this function, there can be no impropriety in placing on record the considerations by which in each case they are actuated. Lastly, it would greatly assist the High Court in the discharge of the difficult task imposed upon them under section 307, Criminal Procedure Code. The judge is already bound to record the opinions of assessors, although he is not compelled to conform to them. He is, however, bound to give effect to a verdict of a jury unless it is perverse or unreasonable, but to decide as to the perversity or unreasonableness of a verdict, without knowing the reasons which guided the jury to it is, it appears to me, mere groping in the dark.

My final recommendation is that offences relating to marriage, triable under Chapter XX, Indian Penal Code, should be included among offences triable by jury. It may be observed that offences involving the decision of questions analogous to those arising in marriage cases, are even now cognizable by the jury. The offence of kidnapping or abducting a woman with intent to marry her against her will, or to seduce her to illicit intercourse, is already so triable. The peculiar fitness of native tribunals to decide as to the bearing of facts connected with the rites and customs of various sects of the Hindu and Mahomedan communities has already been commented upon. The evidence on which the jury have to give their opinion is generally undisputed, or if disputed, gives rise to no intricate or perplexing conflicts of testimony. On the other hand, the decision as to the existence or force of a particular caste or local custom, which is often essential to a determination as to the guilt or innocence of the accused person, is one which it appears to me can be more fairly and satisfactorily decided by a native jury than by an English judge. In such cases, too, the jury is likely to have a keener insight into the motive of the accused.

In a recent case tried by me, the question was,—Whether a

female minor, under the age of 16, had been sold or let to hire for an immoral purpose?

There was no dispute as to the facts, but the innocence or immorality of the accused's intention could only be determined by the solution of an interesting point of native usage among the Vaishnava sect, as to the validity or invalidity of the marriage of baseborn children by the "Malachandan*" and other forms, of the nearly obsolete *Gandharva* marriage.

These are the very matters for the decision of which, by Hindu tribunals, there is an immemorial precedent. They are the questions which heads of villages have for generations been accustomed to deal with in the most sequestered hamlets of rural Bengal. Even now, in matters of social custom and caste, the rustic group of elders under the village *pipal* tree, compose a "punchayet" whose decisions are obediently followed and cheerfully accepted. I cannot conceive of any valid reason why the group of offences I have indicated, which are strictly within the scope of the village *punchayet's* ordinary functions, should not be entrusted, where criminals are concerned, to a native jury. After so much hostile criticism it is pleasant to conclude this article with the remark, that for this particular class of crime, no better tribunal could be obtained.

T. D. BEIGHTON.

* The bestowal of a garland, scented with Sandal wood.

ART. VII.—CAMPAIGNS AGAINST INDIA.

[Contd. from the October 1887 No., p. 345.]

CHAPTER III.

18. *Campaign of Timur-Beg or Timur-Lang (Tamerlane).—*With the lapse of time the strength of the Mongol bands began to grow weak, and the monarchy, which had been built up by Chinghiz-Khan, fell into several parts, amidst which constant civil wars occurred. Moreover, amongst the peoples conquered by the Mongols, bitter hatred was nursed towards the destroyers. This hatred did not at first take any outward form, because the dread inspired by the conqueror was as yet too great. But at length there appeared a man, who unexpectedly arose and towered above his contemporaries, and who, by the exercise of his own will, gained the mastery over the fierce Mongols and Tatars. We here speak of Timur-Beg or, as he is usually called, Tamerlane.

In the year 1333 A. D., in the town of Kesh, the modern Shahr-i-Sabz, there was born a boy, of the Turkish tribe of Berlas, to whom was given the name of Timur, or the *Iron one*. His father was ruler of the provinces of Kesh and of Nakhshab or the modern Karshi.

A description of Timur's early history does not enter into the frame-work of our present remarks: We shall therefore only make some general observations regarding the career of this great man and famous leader of men, and then pass on to a review of his instructive campaign against India.

From an early age Timur was initiated into the art of war, for we find him in the year 1356 A. D., whilst in the service of the Amir of Kazgan, taking part in the campaign against Khurassan. He was wounded in a scrimmage in Seistan, and thus became lame for life, on account of one leg being rendered shorter than the other. Hence he received the name of "Timur-Lang" which signifies "Timur the lame."* At the age of 30 he captured Samarkand which was destined to be his future capital, and drove his enemies thence across the Sir-Daria. On the 8th (20th) April 1369, Timur was crowned king of Trans-Oxiana. Then, after organising an army and strengthening the principal strategical points, he undertook a

* Timur was of middle height and of strong build. He was possessed of a deep voice which was often heard during the heat of an engagement. His adherents described him as a manly, handsome personage, but those who disliked him called him a "deformity."—*Author.*

series of campaigns which have gained for him a world-wide reputation as a conqueror, and one of the greatest of army leaders.

Soon after this he conquered Kharezm (the modern Khiva) and then undertook a campaign into Khurassan. Crossing the Oxus at Termed (the point at which we call to mind that the troops of Chinghiz-Khan crossed that river) he made for Balkh and Andkhui, and so appeared before the walls of Herat. Khurassan fell to him without a blow, and after that he subdued Seistan, Kandahar and Kabulistan, as well as the whole of the country to the west of Khurassan and as far as the province of Mazanderan. In the year 1383 A. D., Timur possessed himself of the province last named, and then conquered Adzerbeijan, Armenia and Georgia, until his possessions at length embraced Erzeroum, Tiflis and Darband. The greater portion of Persia was now under his control, and yet he dreamt of still further conquests.

Having in the meanwhile quelled various insurrections, and having undertaken a campaign against the Golden Horde, by which he extended his empire in a northerly direction from the Greater Barsuk sands, (which lie to the north-west of the sea of Aral,) to the town of Tashkand, Timur put himself, in the year 1392 A. D., at the head of an army of 300 000 men, and once more set out for Persia where, in the course of a period of five years, he conducted a series of truly wonderful campaigns.

After his second return from Persia, Timur conceived the idea of the conquest of still vaster sovereignties than those which now acknowledged him, and so he directed his talented grandson, Pir-Muhammad, son of Jahangir, to advance to the conquest of India. Accordingly Pir-Muhammad, having subdued the Afghans inhabiting the Suleiman range, conducted a heterogeneous army, comprising Mongols, Tatars, Persians and Afghans, to the banks of the Indus which he crossed. This army in all probability reached India by the Gomal pass, a portion of it following the Thal-Chotiali route which leads from Pishin to the town of Dera-Ghazi-Khan. After the passage of the Indus, the Tatar forces stormed the town of Uchakh and then laid siege to the fortress of Mooltan. Thus began the invasion of India by Timur's troops. In all probability a simple feeling of ambition was the sole inducement to the great leader of Central Asia to send his troops into India.

Having sent his grandson to this country, Timur himself undertook the conquest of China—for he aspired to be the possessor of the whole of Asia ; but all at once he altered his original plans and marched towards India in order to join forces with his grandson, Pir-Muhammad.

In the month of March 1398 A. D., Timur, having left one of his grandsons as ruler of Samarkand, set out on his Indian campaign. Ivanin, the historian, tells us that he took with him a force of 32,000 men. We know, too, that his grandson, Pir-Muhammad, had under him at Mooltan, a force of 30,000 cavalry. These two bodies then were to comprise the right wing of his army of invasion, whilst the left wing, also of a strength of 30,000 cavalry, was to start from Kabul, and after following the valley of the Kabul river, was to strike the Indus at Attock. Thus the army of invasion was of a strength of 92,000 men. But this was the regular army. There was in addition an irregular army, which, in all probability, was of even greater strength, for Marga, at page 86, Vol. II of his history of these times, says, that the total strength of Timur's invading army amounted to 300,000 men, or 200,000 cavalry and 100,000 infantry. Now to this army, on its march towards India, there flocked representatives of every race, some of whom had not been long conquered, but all the commanders and also the officers of all grades were Tatars. Tatars, too, furnished the more important detachments, such as advanced parties and those on the lines of communication, &c., &c.

We consider it useful to here make a general remark concerning the character of almost every undertaking against India. Every race of Central Asia, from Mongolia to the Caspian Sea, whether of Khurassan, or Persia, or of Afghanistan, or of the south-west portions of Asia has, from the earliest ages of antiquity, *always considered a campaign against India a means of self-enrichment*, because all such races have been well aware of the fabulous wealth of Hindustan.* *Hence every Asiatic people has always, and with readiness, taken an active part in invasions of India, so that an invading army, in proportion as it has approached India, has increased rather than diminished.*

On arrival at Termed (see above) Timur ordered a bridge of boats to be made across the Amu-Daria, and his army passed over by this. His further route lay by Aznak and Semen-Khan, whence, having crossed the Bakalan mountains, † he pitched camp at Indar-Ab.

Up to the very frontier of India, Timur encountered no enemy, since the greater portion of the peoples on his line of advance had already been subdued by his arms previous to the campaign, but within the limits of the Indian Caucasus, *i. e.* in

* These passages are italicised in the Russian text.—*Trans.*

† These mountains deflect the course of the Kunduz river to the south of Gori: the place called Baglan or Bakalan lies on the Kunduz river, to the north of Gori (see Russian maps.)—*Author.*

Kafiristan, there dwelt a warlike people called *Siyah-Posh** who would not acknowledge Islam, but who firmly held to their own religion and to their own Aryan customs. Mussulmans, therefore, called them "Kafirs" or unbelievers and pagans.

Timur, who always made the triumph of the Muhammadan religion the principal object of his campaigns, could not leave these *Siyah-Posh* in peace, and so, in order to excite the fanaticism of his own troops, he undertook a bold raid into their terrible mountains. The immediate excuse for this raid was a complaint preferred by Mussulmans of the persecutions which they endured at the hands of the *Siyah-Posh*. Timur, therefore, sent a picked detachment to carry out his projected raid, taking three men out of every ten in the ranks of his army. Leaving his main body in summer quarters, the great conqueror placed himself at the head of this raiding party and advanced into the mountains of the Hindu-Kush. After making a rapid move on Panjan, he detached a body, numbering 10,000 men, under the command of Mirza Rustam to the left to seek out the *Siyah Posh*, whilst he himself made for Fort Khavak (or as it is transcribed in the Persian character "Kauk") which lies at an altitude of 9,300 feet above sea level. Thence he crossed ranges rising to a height of 13,200 feet. He now left his horses behind and marched his troops on foot to the Ketuer mountain. Although it was the month of June, masses of deep snow covered the mountains. The *Siyah-Posh* held the passes and precipices, for there were no pathways leading from the Ketuer mountain to their fastnesses. In order therefore to descend, Timur's officers and soldiers had either to lower themselves down with ropes or slide down over the snowy surface.† After several unsuccessful attempts to lower Timur himself in a sort of sledge let down on to successive terraces cut with picks in the snow, Timur, who was at this time 56 years of age, seized a stick and descended on foot. Sherefeddin, the historian, relates that, although he was greatly fatigued, yet his energy was maintained by his ardour in the holy war against the unbelievers. Two horses had been kept for the Emperor's personal

* These people of Aryan race have an affinity with Slavs, see the Russian translation (1847) of "Burne's Kabul," &c. See also Grigorieff's "Kabulistan and Kafiristan" in which we find materials for the study of this interesting people. See too the pages of the *Turkistan Gazette*.—*Author*.

† Major-General Abramoff's detachment had to pursue a similar course in the highlands of the Zerafshan river in 1870. This detachment ascended to the Mura pass (12,100 feet above sea level) and on its return to Lake Iskandar-Kul (Alexander's lake) some of the officers slid over the snow for a distance of more than $\frac{1}{2}$ verst ($\frac{1}{3}$ rd mile.) The author was an eye-witness of this. It occurred in the month of June. Such mountain expeditions do not, however, present insuperable obstacles to Russia's Turkistan troops, who have crossed the highest mountains in every direction.—*Author*.

use, and mounting one of these Timur led his foot soldiers to the attack. His expedition was generally successful. The *Siyah-Posh*, who made a fierce resistance, were overcome by the masses of men hurled against them. Timur's troops made *three night attacks*, and on the third day the *Siyah-Posh* acknowledged themselves beaten and agreed to embrace Islam, but the next day they fell on one of Timur's regiments and destroyed them almost to a man. Timur in his fury now directed a general massacre of the *Siyah-Posh*, and a pyramid was erected of the heads of the slain.

Meanwhile, no news having been received of his left column, the Emperor despatched a party of 700 men to learn what had become of it. This reconnoitering party, after surmounting the most difficult obstacles, came upon traces of the lost column. It seems that the greater part of this force, which, as we know, mustered 10,000 men, fell into an ambuscade and was defeated by the mountaineers. The Tatars were themselves to blame, for they carelessly entered a gorge without crowning the heights. In this plight the reconnoitering party found them, and having boldly attacked the *Siyah-Posh*, defeated them, and so saved the left column.

Timur having selected the most practicable way out of the mountains returned to Khavak, his expedition having occupied 18 days. After strengthening this point, he then left a garrison and returned to Kabul by the Tul pass.* Thence his troops marched through the Panj-Shir valley and pitched camp near the village of Baran (Barant.) Here the Emperor gave orders for the excavation of a large irrigation canal and quartered his troops on the Durin meadows.

Thus an entire army crossed the Hindu-Kush by the Khavak and Tul passes without encountering any special difficulties.

The left wing of Timur's army in its march on India from Kabul crossed the Indus at Attock so that its route lay through the Khaibar pass. Whilst Timur was encamped at Durin, he learnt that some Afghans had destroyed a fort called Iridjab to the south of Kabul, and so he started off for this place, which he reached in four days, and in the space of fourteen days he restored the fort.

On the 5th (17th) September 1393 A. D., Timur marched for Chenuzan. His route lay through forests and over mountains, but on the following day he reached the point named, and despatched hence his son Kalil with a force to Bunnoo by the *Kipchak route*, (a name which indicates that the troops of

* It is called "Tal" on Russian and English maps. Sherefeddin speaks of it as "Tulle," and in Courteille's translation of the *Babar-Namah*, it is transcribed "Taoul" (see page 284, Vol. I.) We have, however, adhered to Grigorieff's transliteration. See his *Kabulistan and Kafiristan*, page 567.—Author.

Chinghiz-Khan and perhaps the Mongols of the time of Uguz-Khan made use of this road) as convoy to baggage train. Timur himself at the head of a cavalry force, numbering several thousand men, made a rapid advance on Nagaz * where he arrived on the morning of the 8th (20th) September.

During Timur's halt at Kabul a detachment had been sent on to Nagaz to occupy and strengthen this point, and then it was reported that the Afghans of the Pervian tribe were unwilling to enter the ranks of Timur's army, and further, that they, having plundered some of the spoil sent by Timur's grandson from the capture of Multan, had crossed the Gir river and had gone off to the mountains, whence they plundered and pillaged the country round. Timur accordingly ordered a portion of his army to enter these mountains, and on the third day the Pervian Afghans were attacked and subjected to a terrible loss.

Meanwhile the inhabitants of the province of Khelat, a powerful and numerous tribe, refused to send an artillery force for Timur's invading army, and so the Tatars advanced rapidly on them and destroyed a portion of their tribe. Having settled scores with the Pervian Afghans and with the Khelatis, and having left a garrison of 500 men at Nagaz, Timur sent off Suleiman-Shah, with a strong detachment, to Multan, to join the army of his grandson, whilst he himself marched with his main body on Bunnoo, whence he came out on the river Indus.

Judging by the description of this march, as given by Sherfeddin, † *Timur went along the Kuram valley.*

In the course of two days his troops had built a bridge of boats and of fascines made of reeds, across the river, from the banks of which the great conqueror despatched the envoys who had come to him from Mecca and Medina and likewise from the ruler of Kashmir declaring the devotion of their masters to him. Timur purposely sent these personages away whilst he was still on the banks of the Indus, because it was a very important matter for him that the world should know that he had already crossed the frontiers of rich India, and had entered that country at the head of a powerful, high-spirited,

* The place called Nagaz or Nagazi, we find only on the map of India by the Russian General Staff, 1858 edition, scale 150 *versts* (100 miles) to the inch. It is in the Kuram Valley.—*Author.*

† Histoire de Timur, connu sous le nom du Grand Tamerlan, Empereur des Mogols et Tatars, en forme de Journal Historique de ses victoires et conquêtes dans l'Asie et dans l'Europe, écrite en Persan par Cherefeddin-Ali natif d'Iezd, Auteur contemporain. Traduite en Français par Monsieur Petis de la Croix, Professeur en Langue Arabe en Collège Royal, Secrétaire Interprète du Roi pour les Langues Orientales, Avec des notes Historiques et Cartes Géographiques, à Paris MDCXXXII (i. e., 1722 A. D. — *Author.*

and excellently organised army. He sent also a message to the ruler of Kashmir to say that he would accept with pleasure his offer of alliance, and that he wished to see him at the head of his troops at the town of Dipalpur.

We will here insert one remark which has a close connection with the question of invasions of India. India with her dense, rich, and varied population, has always comprised and still comprises a disunion of detached States, all of which are more or less independent. Consequently, in India, ideas of a common Fatherland have never prevailed, and even during the time of the frightful wars which the Afghans have waged, the people of India have never displayed a readiness to offer a stubborn resistance by uniting forces. Accordingly, those conquerors, who have taken advantage of this phase of Indian history in their invasions of the country, have always found allies, who have lightened, in a considerable degree, their military operations on the Indian peninsula. We have seen from the description of the campaign of Alexander the Great how he found an ally in the person of Taxilla himself. We have seen, too, how the Afghan, Muhammad of Gur, who mercilessly destroyed the natives of India, had a powerful ally in Jaihind. Thus it has always been, and so it was during the conquest of India by the French and by the English.

On the 11th (23rd) October, 1398 A. D., Timur, at the head of his main body, crossed the Indus. As we have already learnt, his left wing followed the Khaibar route from Kabul, whilst his right wing marched through the Gomal pass, in all probability by the Tal-Chotiali route. But by which route did Timur himself cross the Suleiman range? The answer to this question is very important in coming to a right understanding as to the practicability of this range, and of its value as a frontier to India. It is evident that he went by one of the mountain roads between the Khaibar and Gomal passes. Now, of the several routes which exist in this interval, we have good knowledge of two, *viz.*, the Kuram with its Shuturguridan and Peiwar passes, and the Gomal itself. We ourselves are inclined to think that he followed the Kuram route, although with regard to the position of Irijab and Shenuzan, we as yet know nothing,* whereas respecting Nagaz, we have the testimony of Sultan Babar, the founder in India of the dynasty of the Great Moguls. Babar in his Memoirs writes that to the south of Kabulistan, as it was in his day, lie Fermol, Nagar (Nagr, Nagz or Nagaz) Bunnoo, and Afghanistan. Now Fermol, as we shall see further on, lies on the Gomal

* We consider it necessary to observe that our historical notes regarding campaigns against India do not bear the character of completeness, as we do not yet possess sufficient material. — *Author.*

route between Kabul and Ghazni, and as regards Nagaz * we are disposed to identify it as Kuram. If, however, this supposition is erroneous, it follows that Timur crossed the Suleiman range somewhere between the Kuram and the Gomal passes. Wherever he did cross is for us an important circumstance, since there is no doubt that the main body of the Tatar army crossed the Suleiman range by passing through Nagaz and coming out directly at Bunnoo, without meeting *en route* with any serious natural difficulties. This means, then, that there at one time at least existed an easy road supplied with water, fodder and fuel.

We do not propose to follow in detail the triumphal inroad of the Tatars into India, but we will touch briefly on events in this highly instructive campaign.

On the 13th (25th) October, 1398 A. D., Timur gained a decisive victory over the Indian troops under Shaheddin-Mubarak, and on the 23rd October (4th November), having made six marches forward, he pitched his camp on the banks of the Chenab. On the 26th October (7th November) his army crossed this river by a bridge of its own construction. On the 29th October (10th November) his troops crossed the river Tulab and pitched camp on its banks.

On the 6th (18th) November, Timur came to a lake near the river Beas.† Here, having again routed his enemy's forces, he moved the following day to Shanavaz. We should remark *en passant*, that the Tatar army met with an abundance of grain of all kinds in its passage through India. Floating his army down the Beas, Timur reached Janjian in three days. Thus the main body of the Tatar army, which had left Multan to the north, established its communications with Lahore.

Multan had, after a siege of six months, fallen to the right wing of Timur's army of invasion, but subsequently the inhabitants of the place, seeing the weak condition of the investing army, began hostile operations anew, and, having killed the Tatar officials set over them, forced Pir-Muhammad's force into the city which they in turn besieged. The appearance of the Emperor saved his grandson's army corps, for on the 11th (23rd) November, communication was established and forces were joined.

Timur now sent off his baggage train *viâ* Dipalpur to Samane, a town which lay between Lahore and Delhi, and.

* On the map of Afghanistan and adjacent countries, 150 *versts* (= 100 miles) to the inch, we find on the upper course of the Kuram river, a point called Nergazi.—*Author*.

† No lake now exists, but on the 50 *verst* (35½ mile) map of Afghanistan, the channel of a former river is shewn.—*Author*.

he himself pushed forward at the head of 10,000 horsemen, and on the 23rd November (5th December) attacked the fort of Butnir, which lay almost midway on the direct road between Multan and Delhi, or 300 *versets* (200 miles) between these two places. On the 25th November (7th December) Butnir fell to the Tatars, who having pillaged it, laid it even with the ground, massacring almost the whole of the inhabitants.

After abandoning Butnir, the air of which was now tainted by decaying corpses, Timur marched in a north-easterly direction for Kinara-Hauz, fort Firuza, the town of Seresti, and so reached Fattiabad. All natives *en route*, who would not profess Islam, were given over to destruction. On the 4th (16th) December, Timur passed through the towns of Rajabnur and Arguni, and on the following day arrived before the town of Taukhana: thus he gradually closed upon the north-east of the country with his main body. The Tatars destroyed all the Jâts or (*Gets* or *Jets*) along the line of their advance, and, after his arrival at Munuk, Timur spent several days in the most merciless destruction of such members of this race as had hidden themselves in the country round.

On the 13th (25th) December, at the bridge of Fulkubli, close to the town of Samane, Timur was joined by his left wing which, as we have already learnt, had marched from Kabul on Attock. After crossing the Indus at that point, this wing advanced victoriously through the Panjab, capturing many towns and forts as it passed along.

On the 13th (25th) December, Timur's main body once more came up. This portion of his force was, as we have seen above, despatched with the right wing towards Samane.

Timur's strategy was fully justified, and this great master of the art of war once more shewed that he thoroughly understood his work. First of all he despatched his right wing, and this, after skirting Southern Afghanistan, laid siege to Multan, in a strategical sense the most important point in the Panjab. The unsuccessful storming of this city compelled Timur himself to march towards India, and so, after crossing the Hindu-Kush, he pushed his main body across the Suleiman range, and sent on his left wing from Kabul through the Khaibar pass to Attock, Lahore and further points. After his own passage of the Indus, he did not at once proceed to Multan, where his right wing appeared—after gaining some successes—to be in a very dangerous position, but he moved eastwards and threw his main body into the interval between the two wings of his army. Having defeated the enemy, which advanced to meet him, he extended his front between Delhi and Multan, and so came to the rescue of his right wing. After doing this, he pushed his united forces through Dipalpur on to Samane,

whither he also directed his left wing, and then detached a force under himself to the side *as a flanking party to his advanced guard*. After taking possession of the strong fort of Butnir, he entered into partisan warfare, in order to excite fear and alarm amidst a warlike population, and after this, with a rapid movement towards the north-east he once more joined his army. In the course of 48 hours he had concentrated all three parts of his forces on one point, and so placed himself at the head of his united forces. On the 13th (25th) December, Timur's army crossed the Fulkubli bridge, and on the following day appeared before Delhi, the capital of India. On the 16th (28th) it reached Kitul (Kutcli) moving forward in the order of battle prescribed by the Mongol-Tatar military regulations. The right wing was commanded by the Emperor's grandson, Pir-Muhammad, the left by the great Sultan Mahmud, Khan of Jagatai. On the 20th December 1398 A. D. (1st January 1399 A. D.) Timur detached a force of 6,000 men for the occupation of the town of Toglankur, of which the inhabitants fled, leaving the place to be burnt by the Tatars. On the 21st December 1398 A. D. (2nd January 1399 A. D.) Timur's army reached the town of Paniput, of which the Hindu inhabitants fled to Delhi, after setting fire to their own homes, but the city, though deserted, was found to contain large stores of provisions.*

On the 23rd December 1398 A. D. (4th January 1399 A. D.) Timur's generals put on their coats of mail and awaited the order to give battle. The next day the leaders of the Tatar right wing received orders to move towards Jahanum, the palace of the Emperor of Hindustan, situated on the banks of the Jumna.

On the 26th December 1398 A. D. (7th January 1399 A. D.) Timur crossed this river and appeared before the town of Loni. He had by this time approached within 12 *verss* (8 miles) of the capital of India. The *Guebres* † (idol worshippers), who formed the majority of the inhabitants of Loni, were unwilling to surrender, and so, after having burnt their own wives, children and houses, they prepared to oppose their enemy. Their city was however captured by the Tatars, who, having picked out the Muhammadans, massacred the remaining inhabitants and pillaged the town.

On the 28th December 1398 A. D. (9th January 1399 A. D.) Timur carried out in person a reconnaissance of the enemy's position, and then convened a Council of War at which

* We should remark, *en passant*, that from the very earliest times no single conqueror of India has ever found on the Indian peninsula a scarcity of provisions, fodder or water. — *Author*.

† *Guebre* is a corruption of the Persian word *Gabar*, an infidel, especially a reputed fire-worshipper or *Parsi* (*Clifford Whitworth*.)

he gave his own opinion as to the way in which the capital of Hindustan should be besieged. At this council it was decided first of all to store in the palace at Jahanum both grain and forage, and then to invest the town. Accordingly that very night this plan of operation was entered upon, and a supply of the provisions, &c. required for the Tatar besieging army was collected from the country round.

On the 29th December 1398 A. D. (10th January 1399 A. D.) Timur, placing himself at the head of a body of 700 cuirassed horse-men, made the passage of the Jumna entered the palace of the Emperor Firoz-Shah, and from the lofty terrace of this palace took a lengthened view of the approaching battle field. Meanwhile the Indians sent out a detachment of their troops, consisting of 5,000 infantry, 4,000 cavalry and 27 elephants. A skirmish ensued: the Tatar advanced party retired, but aid came to it, and then the Tatars bravely rushed forward and drove their enemy back.

The next day Timur, who had taken up a position to the east of the town of Loni, summoned his several commanders, and after the manner of the Emperors and great conquerors of old, harangued them as to the principal rules to observe so as to ensure a victory. With his natural eloquence he explained to them by what methods they could break the ranks of their enemy; how they should advance to the attack with cold steel; how they could overthrow their enemy; how bring about his retreat: and if, on the other hand, they should have been too precipitate in the advance, how they could restore their broken ranks and again rush forward to the attack; lastly how they could maintain a stubborn resistance or avoid any danger that had not been seen in time.

The genial words of their leader were heard by the Tatars with deep attention, and all swore to lay down their lives for their monarch.

At midday on the 30th December 1398 A. D. (11th January 1399 A. D.), Timur pitched his camp on the banks of the Jumna, and after two days, *i. e.*, on the 1st (13th) January 1399 A. D., crossed this river and moved to the west of the city of Delhi. He then put his camp into a state of defence by encircling it with a ditch and palisading.

On the 3rd (15th) January 1399 A. D. Timur placed his troops in order of battle and mounted his war horse. The right wing of his army was under the command of his grandson, Mirza Pir-Muhammad, the left under Mirza Sultan-Hussein and Kalil-Sultan. The command of the rear guard was entrusted to Mirza Rustam, whilst the Emperor himself assumed command of the main body.

Both sides now prepared for a general engagement. The

Indian army issued forth from the city and drew up in battle array with right and left flanks and centre, which was commanded by the Emperor Sultan-Mahmud, grandson of the famous Emperor Firoz-Shah. Sharefeddin relates that in the ranks of the Indian army there were 10,000 excellently equipped cavalry, 40,000 infantry, and numerous elephants, who carried in their trunks knives, the blades of which were smeared with poison. On the backs, too, of these animals were fixed wooden towers, for the protection of soldiers armed with cross-bows. Alongside the elephants went men who threw pots filled with burning fluid and iron missiles or a sort of rocket.

The appearance of numbers of armed elephants, a sight with which the soldiers of the Tatar army were but little acquainted, caused a state of disorder amongst many of them; so, in order to do away with this impression, Timur ordered a sort of rampart of shields to be constructed in front of his advancing army, and the excavation of a ditch in front of this wall; he then directed a line of buffaloes to be placed in position, the necks and legs of these animals being fastened together by long cords, and branches of dry sticks placed on their heads and flanks; he also had prepared iron three-pronged hooks, which he ordered to be thrown under the feet of the elephants as they moved forward. Finally, he gave directions that when the elephants reached the line of buffaloes, the dry wood, on the heads and flanks of these animals was to be set on fire.

The battle now commenced, but before this Timur ascended, after the manner of Mussulman conquerors, a high hillock and prayed to God to give him the victory. He directed the battle in person, sending reinforcements wherever he thought they were needed. The Indian army now rushed on the Tatar ranks, their elephants treading down a portion of them and nearly breaking the centre of their fighting line, but the Tatars hurried up reinforcements and restored their broken ranks, upon which the Indians were driven back. The brushwood was now set on fire, the Indian elephants stampeded, and the Tatar line rushed forward, shooting at their trunks and slashing the frightened beasts with their swords. Almost the whole of the Indian elephants were thus slain.

The remnants of the Indian army now took shelter behind the walls of their capital, and their loss was enormous. Timur thereupon approached the city and surveyed its walls. The same day he pitched his tent on the banks of the Giviz-Kas canal, and having assembled his commanders, he touched minutely on all the prominent events of the day.

Sultan Mahmud, the Emperor of India, recognising his defeat, took advantage of the approach of night to fly from

his capital in an easterly direction, and his example was followed by his senior officers, and then the remnants of his army withdrew in great confusion. Tatar cavalry detachments were sent off in pursuit of the Indian Emperor, and that very night the Tatars seized the gates by which he and his family had escaped.

On the 4th (16th) January 1399 A. D., Timur set up his imperial standard on the walls of Delhi which he entered, taking his seat on the throne of the Indian Emperors. Here he directed the city authorities, the *Kazis* and principal inhabitants to be brought before him.

Special couriers, with the news of the Tatar victories in India, were despatched to all parts of the world. Timur now informed the inhabitants of Delhi that if they wished to preserve their lives, they would have to pay a heavy contribution—the exaction of which was at once begun. Timur then bestowed rewards upon such of his officers and soldiers who had distinguished themselves, and celebrated his victory for a period of several days.

The capture of Delhi and the destruction of the imperial army of India placed in Timur's hands a considerable portion of the country, but he had by this time already conceived the thought of fresh conquests, and probably considered it a disadvantage to have in his rear the populous capital of the Indian Emperors. Accordingly, although he had, in return for a certain sum, spared the lives of the inhabitants of Delhi, he was not disposed to weaken his army by detaching from it a strong garrison for the captured city. Such circumstances may, therefore, serve to explain the following crafty plan which Timur carried into execution.

On the 12th (24th) January 1399 A. D., a great crowd of Tatars made a disturbance at the city gates. The historian of Timur's age relates that, although an order was given to put a stop to this commotion, yet the chief object of the got-up disturbance was an excuse to destroy the city. Indeed, on the following day, it actually was given over to fire and sword, a part of the inhabitants being destroyed, and the rest converted into slaves. The booty then acquired was countless. Two days were spent in the pillage of new Delhi, and on the third day the old town was given over to plunder.

Timur's mind was now at ease, for he could leave in his rear the ruins only of a once thriving city.

On the 18th (30th) January 1399 A. D., he marched down the Jumna and appeared before Muttra, and on the 26th idem (7th February) he took that town by storm, throwing down the walls of the fort, and slaughtering the inhabitants of the town as well as the garrison. Hence he directed his army

towards Toglokpur in the Ganges valley, where he received the news that a large number of unfortunate Hindus were floating down the river on 48 flat-bottomed boats. Timur, taking a small detachment with him, went to meet this flotilla, and on its coming in sight, he directed his men to swim on board and slay the men and make slaves of the women and children. During the night of the 29th January (10th February), Timur reached Toglokpur, where he crossed the Ganges for the purpose of destroying other bands of idol worshippers.

India, drenched with human blood, trembled with terror, and prayed to her gods for deliverance from her cruel foe.

From the Ganges Timur marched in a north-westerly direction, as he now considered his Indian campaign at an end, for greater interests were urging him in the direction wherein his rival, Bayazid, the Sultan of Turkey, was establishing his authority, *viz.*, at Baghdad and in Egypt, Syria, Anatolia and over the Golden Horde. Accordingly, on the 8th (20th) February, he re-crossed the Jumna; on the 21st March (2nd April) he re-crossed the Chenab, and on the 24th idem (5th April) he reached Hebgan, on the frontier of Kashmir. On the 26th March (7th April) he quitted his army and started for his capital, Samarkand; within two days he had crossed the Indus, and on the third day he arrived at Bunnoo. On the 2nd (14th) April he rode to Nagaz, where he halted for 24 hours, in order to superintend the fortifying of this place to which he attached great importance. Timur consequently considered the *Kuram valley very important in a strategical sense.*

Riding on to Kabul in the shortest space of time, he followed the Shibr (Shibrtau) pass of the Hindu-Kush, and on the 25th April (7th May) he reached the town of Kesh or Shabri-Sabz, his own birth place, and from there he went on to his capital, Samarkand. Thus finished Timur's famous campaign against India.

From the above brief description of this campaign, we see how an army of Mongol Tatars moved for the most part over mountains such as the Hindu-Kush and the Suleiman ranges, and that these mountains did not present such terrors as many people like to say they do. Where, then, a large army of Asiatics can go, there also can march a European army. We have seen also that the mountains spoken of have not stopped one single invader of India. Timur has corroborated this truth, and from the descriptions of the campaigns of Babar and of Nadir-Shah against India, we shall obtain fresh testimony to this historical deduction.

CHAPTER IV.

19.—*Campaign of Abu-Bikr-Mirza.*—After Timur's campaign against India, Muhammadanism became strengthened throughout the peninsula, and between Kabul and a portion of the Panjab a permanent alliance was established. Abu-Bikr-Mirza's invasion of India followed that of Timur's, but unfortunately we do not know the particulars of this campaign. We have, however, with regard to it, the very valuable reference in Babar's Memoirs, which runs as follows: "He (Sultan Hussein, great-grandson of Timur, who was born in the year 1438 A. D., and who died in 1505, after a reign of nearly 40 years) was no less fortunate in his engagement with Abu-Bikr-Mirza who entered Irak, and having formed an alliance with the Kara (or black) Turkumans, defeated, with their aid, Ulug-Beg-Mirza at Tekaneh and Himaria and obtained possession of Kabul. Then having heard of disturbances in Irak, he quitted this town, following the route *via* the Khaibar pass, Khushab, Multan and Sibi." Consequently Abu-Bikr-Mirza, in leaving India for Persia, must have crossed one of the southern routes over the Suleiman range, and in all probability it was the Tal-Chotiali route.

20. *Campaigns of the Emperor Babar, the founder of the dynasty of the Great Mogul.*—In a far-off corner of Farghana, a province in Central Asia, there was born, towards the end of the XVth century A. D., an infant, whose talents in after life struck his contemporaries with amazement, and have been the theme of admiration of those who came after him. We speak of Zahir-Ed-Din Muhammad, or, as he is usually called, Babar. On his father's side* Babar was the direct descendant of Timur, and on his mother's, of Chingiz-Khan, so that there coursed through his veins the blood of two great Asian conquerors. He was a good member of a family, a firm friend, a remarkable writer, a great politician, a learned, wise and unusually active ruler, a brave soldier and a highly talented army leader. Indeed, as a commander he cannot be placed below Chingiz-Khan and Timur-Beg. He conquered India and founded in that country the dynasty of the Great Moguls. He left behind him memoirs called the *Babar-Numah*, of which certain passages surpass the famous Commentaries† of Julius Cæsar.

Babar's description too of Kabulistan for accuracy and clearness of style might serve as a model for even modern geographers. This fact alone proves that the author was no ordinary

* Omar-Sheikh Mirza who was the great-grandson of Timur.—*Author.*

† The original Russian text of Babar's Memoirs was published at Kazan in 1857 by Professor Ilinski, and a translation of this text was done by Pavé-de-Courtier, and published at Paris in 1871 under the following title, "*Memoires de Babar (Zahir-Ed-Din Muhammad) fondateur de la dynastie Mogole dans l'Industan.*"—*Author.*

man. We may even observe that, in spite of the large number of Europeans who have visited Kabulistan since his day, much that he describes surpasses in places the description of any subsequently visiting the country. We will here make use of that part of his narrative which concerns the mountain passes over the Hindu-Kush range. We already know that many armies have crossed this range, and hence it has been repeatedly shewn that it presents no obstacles which are insurmountable by troops. The following observations made by Babar enable us to estimate the value of the western group of the Hindu-Kush passes.

"The mountain range of the Hindu-Kush rises between Kabul on the one side and Balkh, Kunduz and Badakshan on the other. These mountains can be crossed by means of seven passes, of which three are in the Panj-Shir direction. The highest of these three passes is *Jevak* or *Khevak* or *Khavak*, the lowest is the *Taul* or *Tul* or *Tal*; the third pass is called *Bazarak*. The best is the *Taul* or *Tal*, which receives this name probably because it is longer than the others. The pass with the most direct route is the *Bazarak*: both this and the *Tal* passes unite at the Sirab or Sir-i-ab river. The people hereabouts call the Bazarak pass *Barendi* from the name of a personage who once came down from the pass. There is also a tract called Parwan, but usually referred to locally as *Haft Bacha*, or the seven infants, for between Parwan, a village in the Panj-Shir valley, and the main gorge, there are seven smaller gorges. Two roads from Indar-ab join at the main gorge and lead to Parwan through these seven smaller gorges, but the track, after the junction of these roads, is extremely difficult. There are also three roads leading from Gur-bend or Gor-band: that which lies nearest to the Parwan road is called Yangi-Yol or "the new road."* By a gorge on this road there is a descent to Velian (Valian) and to Hindjan. Another road passes the Kipchak gorge and descends to the point of junction of the rivers Kizil-Su and Indar-ab: this road is an easy one. There is also a road which runs through the Shibrtau or Shibr pass, and another through the Panj-Shir gorge. In the summer season, when the streams are full and rapid, traffic goes over the Shibr gorge and through Bamian and Sikan (Sigan), but in winter the route *vid* Ab-Darah is used. But for four or five months *i.e.*, during the worst season of the year, communication ceases over *all* the roads named, except through the Shibr gorge and the Ab-Darah route. In the summer season, moreover, when the mountain streams are full and rapid, the approaches to Ab-Darah are under water. It is only in the autumn season then, or for four or five

* One of Chingiz-Khan's Generals went by the Yangi-Yol road.—*Author.*

months in the year, when the snowfall is scanty, and when the level of the water in the stream falls, that the Ab-Darah route is practicable."

The above description is of extraordinary value, in that it is not based on a casual use of the passes of the Hindu-Kush, but on a deep study of them during the course of twenty years.*

The beginning of Babar's political career bore much resemblance to the first years of the life of Chingiz-Khan, of Timur, and of Nadir-Shah, for its principal features display a constant struggle for existence, the most obstinate fighting entailing much bloodshed, endless failures, the most bitter disappointments in regard to *quasi*-friends, poverty bordering on a state of beggary, heroic deeds, and beams of good fortune. Such was the picture of the childhood and youth of Babar.

Babar's father, Omar-Sheikh-Mirza, died at Akcha on the 4th day of the Ramzan, and at this time Babar was but twelve years of age. It is not our intention to take up in this paper the early military career of Babar. We shall therefore open our account at that stage when the proud Khozreff, leader of the Mongols, submitted to Babar between Kunduz and Kabul after 4,000 Mongol families had deserted from his ranks. It was this circumstance which induced Babar, who was a pure Turk, to call the new dynasty which he founded in India, *the dynasty of the Great Mongols or Mogols*.

On the day after Khozreff's submission, Babar pitched his camp in the neighbourhood of Dushi. From Dushi he went to Khoja-Zend and crossed the Hindu-Kush in four marches; from that place he came out into the valley of Gorbend (Gurband). He was now in the basin of the river Indus, and the die was cast.

When Babar occupied Kabul, which was towards the end of January 1504 A. D., the kingdom of that name consisted of fourteen *tumens* (circles,) with a very heterogeneous population, speaking eleven languages. Thus the city population was composed of Sarts or the ruling race. The Ghazni circle, or *vilayat*, at this time formed a part of the kingdom of Kabul, and east-wards Babar's new possessions extended as far as the mountains which shut in the central course of the Indus from the west of the Suleiman range: Bajaur Sevada (Swat,) and Hashnagar, and also Peshawar which were formerly comprised in the kingdom of Kabul, had, at this time, been torn away by the Afghans, who possessed the greater part of India. The revenue of the kingdom of Kabul, when Babar occupied the town of the same name, did not exceed the sum of 800,000 francs (£32,000.)

* For more detailed information regarding the passes of the Hindu Kush, reference should be made to Grigorjeff's *Kabulistan and Kafiristan*;

At this time, too, many of the inhabitants of Samarkand, Hissar and Kunduz, being oppressed by the Uzbaks and attracted by the rumours of Babar's renown, came into Kabul, so that the poor kingdom of Kabul could not support such an influx of population. Babar therefore decided, after giving food to the families of the emigrants, to invite the men capable of bearing arms, to enter the ranks of his army. He thereby soon formed a very powerful body of men, and in order to support his increasing army, he laid a tribute on the population of Kabul and of Ghazni and the outlying districts, of 30,000 ass loads of grain (120,000 *puds* or 20,000 tons.) He further exacted from the Hazaras a considerable contribution in the form of sheep and horses, but they refused to comply with his demands, so that Babar, in order to compel them to do so, had to put himself at the head of a small force and march against them. His route lay through Mardan and the Nerk gorge. On the morning of the day following his departure from Kabul, he made an attack on the malcontents in the neighbourhood of Chita, and then returned to Kabul by the Sang-i-Surak road.

Before setting out on his Indian campaign, Babar appointed one brother ruler of Ghazni, another brother ruler of the circles of Panj-Nagar, Mandrawar, Dara-i-Nur, Kuner, Nurgil and Jagan-Serai. Some of his *Begs* and his officers also received villages and grants of land, but to no one did Babar allow independent powers of administration.

In the month Shaban (corresponding with May 1504 A. D.) Babar marched towards India. In six marches he reached the fort of Adinapur,* which lies on the Surkh-Rud. His onward route lay through the Khaibar and Jamrud. Hearing, on arrival at the banks of the Indus, that the Kohat province was inhabited by a numerous and wealthy people, and that it was only two days' march from the Khaibar,† Babar resolved to take possession of it. Accordingly his army set out from Jam, and passing through Bara, pitched camp near Muhammad-Pak and Abani. Peshawar was in Babar's time peopled by an Afghan tribe called *Kakiani*. These people, frightened by the appearance of a powerful army within their border, fled to the mountains, but one of their headmen remained behind and assured Babar of their devotion. This man was detained, as the future Emperor of India considered it useful to take advantage of his local knowledge. On entering the Kohat valley, Babar's troops captured very many prisoners, (who were, however, released immediately) and also a large number of oxen.

* See Grigorieff's *Kabulistan and Kafirstan*, page 45.—*Author*.

† From Jamrud to Kohât the distance is 50 *vershs* (33½ miles).—*Author*.

and buffaloes. *In the houses, too, of the inhabitants, immense stores of grain were found.* * After a halt at Kohat of two days, Babar resolved to move into the neighbourhood of Bangash † and of Bunnoo, and thence to return to Kabul by the Nagâr or Fermol route. After accepting, therefore, an offer of one Yar-Hussain, a frontier Muhammadan, to undertake, in his name, a raid across the Indus and into the heart of the frontier provinces of India, Babar quitted Kohat and marched his army by the Hangoo road ‡ towards the Bangash country. Between Kohât and Hungoo, a valley was entered which is shut in on both sides by hills, and the road passes through the centre of this valley. Here Babar encountered armed resistance from the Afghans of Kohât and its neighbourhood. These men crowned the heights, and on the approach of Babar's troops, received them with wild and warlike shouts. Hereupon one of the guides, a man well acquainted with the warlike customs of the Afghans, explained to Babar that as his troops drew nearer, these Afghans would occupy a detached hill to the right of the advancing army, and that they could then be surrounded and killed. And so it happened. Babar detached a portion of his troops and directed them to storm the hill from two directions. The Afghans were thus surrounded and the greater number of them were slain.

The next day Babar continued his march and reached Hangoo. Here, too, the Afghans had fortified a detached hill, erecting thereon barricades of stones and turf, &c., which in their language are called *sangus*. Babar's troops advanced to attack this position, and having taken it, raised upon it a pyramid of the heads of the defenders. The next day the victors reached a place called Thal. § Here also they had to take

* All these details we consider useful to quote, principally because they indicate the character of the country with regard to its capabilities of supplying troops passing through it with provisions and transport. If, moreover, in Babar's time, *i. e.*, five centuries ago, the Kohât or any of the other frontier districts of India were distinguished for its wealth of cattle and grain, this must, to a great extent, be the case now.—*Author*.

† Marked on some Russian maps *Dungushi*: it lies between Kohât and Thal.—*Author*.

‡ On the map of the theatre of military operations in Afghanistan (1878-79), issued by the Russian General Staff, see Hanzu, which lies 30 *versts* (20 miles) to the west of Kohât. See also Russian map of "Afghanistan and adjacent countries."—*Author*.

§ After the Bangash and Nagar hills are passed, the Bunnoo territory becomes a perfectly smooth plateau, bounded on the north by the hills just mentioned. The river Bangash (*i. e.*, the lower course of the Kuram river) debouches on to this plain which it waters. To the south of the Bunnoo plain lies Chupara and the river Indus; to the east Dinku, and to the west Dasht, which is also called Bazar or Tank (on Russian maps Taz). The Afghan tribes in this part of the country are the Kurani (Kurami), Kivi, Isa-Khel and Niazi, all of whom are agriculturists.—*Author*.

several *sangas*, but the plunder obtained in such positions was very poor. From Thal, Babar followed the direct road to Bunnoo. This in places proved a mere track, and during the second days' march, there was an extraordinarily steep descent followed by a long gorge through which Bunnoo was reached.*

During this march the men, horses and camels were quite knocked up with the fatigue of descending the declivity and passing through the gorge spoken of, and a great number of the oxen, which had been taken in the several fights, after entering the Kohat Valley, died on the road. The soldiers, who went along the tracks with the greatest difficulty, suspected the guides of a wish to lead them into ambuscades.

On the arrival of Babar's army at Bunnoo, it became known that the Afghans had withdrawn to the hills to the north, and that they were raising *sanga*s on them. Babar accordingly sent his brother Jehangir with a force to dislodge them. Their position was taken and some of them were destroyed; those who were taken prisoners were not so dealt with, only because one of their headmen appeared before Babar and informed him of the devotion of his fellow tribesmen.

At Bunnoo it was reported to Babar that Dasht or Dukht, a province to the west of Bunnoo, had a considerable population, and that from it there was an excellent road to Farnol. Accordingly the next day his army marched towards Dasht and pitched camp near the village of Isa-Khel, situated on the Bunnoo river. The inhabitants withdrew to the Chapar hills, whither Badar immediately sent off some troops in pursuit. The Afghan *sangas* were taken, and the captors obtained a large number of cattle and some textile fabrics. That night, however, the Isa-Khel Afghans made an unsuccessful attack on Babar's camp. Their repulse was due to the *exemplary performance of the sentry service by Babar's troops*, for though Babar himself was distinguished for his extraordinary daring and for his unbridled dash, he could, when needful, be extremely cautious. Thus, in their marches along the Indian frontier, Babar's troops observed with the greatest care all the rules for the proper defence of camps at night, and adopted every precautionary measure to preserve their bivouacs from sudden attacks. Speaking of the night attacks made by the Afghans, Babar in his Memoirs remarks, that in order to repel any such unexpected attacks, his right and left wings, main body, and advanced guard were always under arms on the positions which they occupied, and so were always ready to move at a moment's notice. At a distance of a gun shot all round his camp he had dismounted sentries posted, and

* Situated at the entrance to the Kuram Valley as approached from India.—*Author*.

certain of the officers attached to Babar's person took it in turns to visit these sentries. In order, too, to show the extreme importance which he attached to the due performance of sentry service by his troops, *he personally went the round of his sentries in turn with his officers.* He further instituted a punishment for breaches of the regulations for sentry service. Thus, whoever deserted or was slack at his post, had his nose cut off, and was then led in this plight down the ranks of the soldiery. All the *Begs* were posted to the right and left wing of his army, and not one to his main body, which was under the command of officers of Babar's personal staff. From this it would appear that he held the *Begs* in general mistrust, and that he always counted on the fidelity of his main body. His advanced guard was under the command of Sayid-Kasim, and his entire army was divided into six divisions, each of which took it in turns to act as advanced guard for a space of 24 hours. Thus Babar's troops possessed a regular organization and were thoroughly well disciplined.

From Dasht to Farmol there are two roads; one, called the Sang-Surakh, which passes though Barah and comes out at Farmol, the other follows the left bank of the Gomal river and likewise comes out at Farmol, but this road does not pass through Barah: the latter road seems to be the most frequented. It is stated that beyond the Mehtar-Suleiman hills which lie between Dasht and Duki, there is a level road, but that this is longer than the one which skirts the Gomal river, and that one or two passes have to be surmounted *en route*. Babar, however, elected to make use of the road along the Gomal river, across which he happily found a ford, and by this his army soon crossed to the right bank. His troops now turned south and moved along the southern slopes of the Suleiman range, and reached a place called Bila, on the fourth day's march. This village was at that time a dependency of the Multan administration and is situated on the banks of the Indus. For the next five days Babar's army followed the right bank of the Indus. On the sixth day it left the river, and reached a burial-ground called Pir-Khan which lies at the foot of the Suleiman range. It was in those days a place of pilgrimage. From here an advance was made to a gorge, at the head of which the troops bivouacked. Thence they moved to the bank of one of the streams which water the Duki district. The next two marches brought Babar's army to the village of Chotiali. Thus, in a very short time, his army had marched a considerable distance, especially in the last two marches. The horses of the cavalry which followed the banks of the Indus, finding forage at each halting place, stood the march excellently, but as soon as they left the

banks of the river they began to fall off considerably, so that as they went further onwards they became totally unfit for work, and almost the whole of them died and the men had to march on foot. This state of affairs lasted right up to Ghazni.

The onward route of Babar's army lay *viâ* Lake Ab-Istada to Kabul. *En-route* to this lake the troops made six marches and pitched camp on the banks of the Kattch-Vaz river which falls into the lake. Although it was the summer season the bed of the river, usually dry,* was so full of water from the heavy rain that had fallen, that the troops could not find a ford, and so they, as well as the camels and horses, had to swim across. *In order to get the heavy baggage across, a rope had to be thrown from bank to bank*, but not to a great distance, the river bed being narrow at this point. After the passage of the Kettch-Vaz, the troops crossed the Keyatukh-Pani, and then marching over the Sardch dam to the south-east of Ghazni, re-entered that city. On the following day Babar marched his army towards Kabul. As all the mountain streams were unusually high, fords had to be staked out, and for the passage of the Deh-Yakub stream, Babar ordered a boat to be built. The troops re-entered Kabul in the month of Zilhijdeh (corresponding to September) so that as the army had started in the month of May the entire march occupied four months. During this period Babar's troops, after marching from Kabul to Jamrud, skirted almost the whole of the eastern frontier of the Kabul and Ghazni provinces, a portion of the southern frontier of Afghanistan, flanked the eastern portion of the Indian frontier, and traversed the southern portion of the province of Kandahar. The whole distance performed could not therefore be less than 1,360 *versts* (900 miles.)

The march was of very great use to Babar, as it enabled him to inspect a considerable portion of the frontier of his new possessions and to establish his authority therein, and he also obtained the opportunity of reconnoitering a very large extent of the western frontier of Hindustan and of becoming acquainted with the inhabitants. He had further seen for himself the river Indus (or Scinde) and had learnt what were the resources of India's frontier provinces. On the other hand, he had carried away with him from his march a deep impression as to the warlike Afghans and to their unrestrained love of freedom, for, of course, he would have to subdue them, cost what it might. He had, it was true, excellent material in his own Farghana troops, but they were but few in number, and

* Babar says that although his troops crossed this river many times, there was never before or again running water in it. — *Author*.

amongst the large number of people who flocked to him for service when he marched from the banks of the Amu-Daria to the Hindu-Kush, there were, of course, many who were ready to betray him with a light heart.

Babar's position in the year 1505 A. D. was a very precarious one, for he had not yet succeeded in strengthening his position at Kabul, and he clearly perceived that his future depended, to a considerable degree, on the general state of affairs in Central Asia. The death of Khozreff, his former rival, near Ishkamish,* was a real comfort to the mind of Babar, for when Khozreff made his appearance near the Amu-Daria, many of his soldiers deserted him and joined the ranks of his rival.

In the autumn of the year 1505 A. D. Babar, acting under the advice of the influential Baki-Jahaniani and of his son Jahangir-Mirza, undertook the conquest of the Kandahar province. Having reached Tazi,† he learnt that certain of his adherents had resolved to desert him. These men were arrested and one of them was executed, and the rest having been deprived of their arms were allowed to depart. On arrival at Khelat-i-Ghilzai, 342 *versets* (228 miles) from Kabul, 216 *versets* (144 miles) from Ghazni and 132 *versets* (88 miles) from Kandahar, Babar directed a general attack on this fortress without any previous reconnaissance‡. A severe hand to hand fight ensued which lasted till evening. Meanwhile, many of Babar's officers and men had fallen, and the attacking troops, whose strength was beginning to fail, were ready to retreat, when fortunately at this crisis the defender of the fortress sent a flag of truce with offers of surrender.

Babar's troops now marched southwards and after making several raids amongst the Afghans at Sava-Sang and Ala-Tagh, to the south of Khelat-i-Ghilzai, returned towards Kabul. During the snowfalls of the autumn and winter of the years 1505 and 1506, A. D., Babar halted his troops at Chartar-Bagh, and as soon as he reached Kabul, he received news that the Hazaras were carrying on plundering expeditions, so he set out in the month of May of the year 1506 A. D. with the object of punishing them. His patrols, who had been sent on to Changlik at the entrance to Dara-i-Koh§ defeated a body of Hazaras with loss; a portion of this party then went and hid themselves in a cave not far from Dara-i-Koh, and the rest remained in winter quarters in the Dara-i-Koh valley: the latter were followed by some troops whom Babar sent up. Now, not far from the entrance to the Dara-i-Koh valley, there

* On Russian maps Bazar-i-Ishkamish. — *Author*.

† 16 *Versts* (10½ miles) from Shajui between Kabul and Khelat-i-Ghilzai. — *Author*.

‡ His men had not even time to put on their coats of mail, &c. — *Author*.

§ See Russian map of "Afghanistan and Adjacent Countries." Koh-i-Dara lies on the Kabul and Charikar road. — *Author*.

is a defile, the road to which goes by a sharp ascent over hills, where there is a steep precipice in which a track has been cut, by which only one man can pass at a time.* After passing through this defile, Babar's troops advanced till 2 o'clock in the afternoon and then halted, no Hazaras having been seen. Very likely, too, the troops were hungry, for Babar mentions that they brought to him some roasted camel's flesh † The next day an advance was made in the early morning in the direction of the winter quarters of the Hazaras. At 9 o'clock information was received that the enemy had placed wooden obstacles across the bed of a stream flowing in a gorge, and were preparing to defend it. On arrival at the disputed point it was found that the sides of the gorge were very difficult and covered with deep snow. The streams too were ice bound. The Hazaras had also cut down large trees and had so blocked the way along. Behind these obstacles the enemy was drawn up, some mounted, some on foot; and as Babar's troops advanced they opened fire upon them. At length a turning movement was effected, a portion of Babar's troopers having made their way across the ice tracks. The Hazaras now abandoned their position and fled, followed by Babar's troops, but as the snow was very deep, tracks had to be cut in it, for by that means only was movement possible. ‡ At length the winter quarters of the Hazaras were reached and despoiled of all the flocks of sheep and of their horses. The Hazaras had placed their women and children on the tops of the snow-clad peaks, so that they were out of reach of the pursuers. Towards the close of the day, Babar's troops returned and bivouaced in the tents of the fugitive Hazaras, and the next day pitched camp at Janglik.

From here Babar decided to move towards Nidjav in order to collect the taxes of this district. Accordingly his troops marched down the course of the river Baran. On this march Babar became seriously indisposed, and for a space of forty days he could not turn on his bed without assistance ;

* Such mountain roads are well known to the Russian soldiers of the Turkistan army who call them "cornices." During the Zarafshan expedition of the year 1870, the Russian troops had to go along tens of *verssts* of such roads, and during their march some men were killed who did not move cautiously.—*Author*.

† The Kirghiz eat camel's flesh, but very seldom do so, as they value the animal too much as a beast of burden. We mention this incident to show that in Central Asia there can never be a deficiency of meat when sheep, horned cattle, and, in case of extremity, horses and camels can be used for food. The slopes of the mountains of Afghanistan and of the Hindu-Kush are covered with flocks of sheep, and should there be a scarcity of salt, the meat can be eaten with the grass of the mountains as a substitute for other seasoning.—*Author*.

‡ Russian troops are well acquainted with this sort of work. The most interesting example of these snow galleries are those cut for a considerable distance, and through very deep snow, by the troops who crossed the Balkans towards the end of December 1877 in their passage from Travna to Kazaulik.—*Author*.

nevertheless during his illness he sent out various expeditions into the surrounding country under the leadership of his brother Jahangir, who stormed the fortified positions of the enemy and inflicted on them considerable loss. As Babar's health did not improve they carried him in a litter into Kabul.

Meanwhile the relations between him and his brother Jahangir became greatly strained, and the end of this estrangement was, that Jahangir openly rebelled against him and formed designs of ousting him from the throne. The rebel then placed Ghazni in a state of defence, and applied to the Ainaks for assistance.

Just at this time Sultan Hussein-Mirza, Sovereign of Herat and head of the Timuride, applied to his kinsman Babar for aid against the Uzbaks, and so at the very moment when his own rule in Kabulistan was very insecure, when he had on his shoulders a thousand cares, and when his presence in his own capital was an extreme necessity, Babar resolved to respond to his far-off kinsman's urgent call and to march towards Khurassan. This determination on Babar's part—at once a manly and honourable exhibition of his character—merits our admiration. For here we see a man who, though he himself was deceived by others, knew how to forget all bitter injuries, and all treachery of which he had so often been the victim, and leaving his own dominions to their fate, and with his customary impetuosity and fidelity, do all he could to aid his native land and clear it of its accursed enemies—the Uzbaks.

Autumn had now set in, and in September 1506 A. D. Babar received the news that Sultan Hussein-Mirza, the Sovereign of Khurassan, had died on the road, as he was starting to march against Sheibani-Khan, who was at that time the possessor of Khiva and of all the provinces of Mavaranas Khur.

On the death of Sultan Hussein-Mirza, whose capital at this time was Herat, the deceased's two sons, Bedi Uz-Zaman-Mirza and Muzaffar-Hussein-Mirza, were elected dual sovereigns of the country, each being allowed to choose his own Wazir. It was to this dual sovereignty then, always a pernicious system, that the Khurassanis had recourse when they were about to enter on a decisive struggle with the Uzbaks.

Towards the close of September 1506 A. D. faithful to his engagement, Babar despatched a portion of his army against the Uzbaks. These troops crossed the Hindu-Kush by the Shibu (Shibtau) pass and entered the Ghorband valley. Babar himself followed them and entered the Koh-i-Mard whence he sent to inform Sultan-Hussein-Mirza of his coming, he not having yet heard of the latter's death. Meanwhile

the Uzbaks had besieged Balkh had sent a portion of their forces into Badakshan, and had compelled Nasir-Mirza, Babar's youngest brother, to retire from that country. But Nasir, on the receipt of reinforcements, advanced to the attack and inflicted a severe defeat on the Uzbaks.

As soon as he heard of the death of the sovereign of Khurassan, Babar turned westward and took the direct road to Herat crossing by the Koh-i-Saf range. He then marched for the province of Badkhis which lies to the north-east of Herat and close to that city. Here he received tidings that Sultan Hussein-Mirza's two sons, so far from having made any preparations to resist the Uzbaks, had begun to quarrel with each other. This news greatly disquieted Babar, because he had loyally come across the Hindu-Kush and had left his own possessions to their fate in order to render assistance to his kinsmen. Meanwhile, Babar received the intelligence that the Uzbaks had captured Herat; and after he had been invited to winter in Khurassan, he received very bad news from Afghanistan and so he refused to remain. This news was to the effect that the provinces of Kabul and Ghazni were in a very disturbed condition, and that from all sides the peace of the country was threatened by hostile combinations of the several tribes, Turks, Mongols, Aimaks, Afghans and Hazaras. From the Murghab river, where Babar was when this news reached him, Kabul is one month's march (by the direct route leading over the highest mountains), provided no special obstacles are encountered in the shape of the snow and ice which usually cover these mountains; but if the route through the valleys is taken, then the distance cannot be done in less than 40 or 50 days. Babar selected the direct route over the mountains.

We will here digress for a brief space to mention a circumstance of extraordinary interest. In the neighbourhood of Langar-Mir-Gniaz, Babar convened a council to decide the question as to which route should be followed. He himself and the majority of those whose opinions he called for, thought that, in view of the approach of winter, it would be dangerous to penetrate far into the heart of the mountains, and that *the road to Kandahar, though somewhat more circuitous would not present any difficulties*. The meaning of this passage is that Kandahar can be reached from the Murghab valley without going through Seistan, and that this route does not present "any difficulties."

At the council which Babar convened, one of the *Begs* expressed the opinion that the route last mentioned would be too circuitous, and his opinion gained the day, and so the army, led by a guide, marched by the direct route. With regard to the difficulties and privations experienced along it, it will

suffice for the purposes of our present narrative to say that Babar himself in his *Memoirs* makes mention, that never in his life was his army subjected to such experiences; * that every man was prepared for death, and that "death would have been regarded by all as a festival." At length the army reached the village of *Yani-Ulang*, 45 *versets* (30 miles) to the south-west of Bamian. In two days more Bamian was reached, and then Babar crossed the Hindu-Kush by the Shibr pass † to Janglik, where his troops occupied the monastery known as Timur-Beg's or Tamerlane's.

On arrival at this place Babar was informed that Kabul was besieged by troops collected by certain *Begs*, and that his cousin, Mirza-Khan had been proclaimed sovereign, for a report had been spread abroad that Babar had been imprisoned and confined in a fort by the ruler of Khurassan. This was in the year 1507 A. D.

With all his characteristic energy Babar immediately adopted measures to meet the new difficulty. He sent to Kabul a secret message to say that he would come by the Ghorband valley, and then make a sudden attack on the rebels who were investing the city. He at the same time sent another message to the effect that he would come by Menar-Tagi ‡ and that on his approach he would give a signal by setting fire to a large pile of wood, to which signal another pile should be lit in the city at a point which he indicated, and that on seeing *both* these signals, the besieged troops should make a sortie and use all means at their disposal to insure its success.

The next day Babar's army marched from the monastery and bivouacked at Ushtur-Shehdi. Early the next morning it left this place, and after passing the Ghorband defile about noon, came out at Kupruk-Bashi where a short rest was given to the horses. The onward route lay *via* Tutka-Ulu, Zamakh-Yakshi and Minar-Tagi and so on to Daminchi § where Babar ordered a halt so that his men might get warm after marching through deep snow and the frosty air during the night. As his force approached Kabul, towards dawn Babar saw a large

* Such, if not greater, difficulties the Russian army had to encounter during its famous march across the Balkans in December 1877. Some portions of this army had to lie out on the snow at night without even felts wherewith to keep the men warm. The several villages on the line of advance could scarcely be reached on account of the depth of the snow.—*Author*.

† It would seem that it would have been a simpler matter for Babar to have crossed by the Bamian pass to Kabul as was done by Burnes and to lair off, but the fact is the Bamian is the most impracticable of all the Hindu-Kush passes, and cannot be compared with the Shibr (Shibrtau) and others.—*Author*.

‡ See Russian map of the theatre of war in Afghanistan, 1878-79.—*Author*.

§ These details are useful in the study of the roads by which troops can be moved into Afghanistan.—*Author*

flame rising above the citadel, whereupon he immediately formed up his troops and pushed forward to the attack. This unexpected onslaught upon the rear of the besiegers produced commotion in their ranks and they fled.

Babar subsequently visited the northern environs of Kabul and everywhere restored order. But his strong desire was to carry out the plan which he had prepared for the conquest of the vast Indian Empire. He at the same time very well understood that in order to do this, it was imperatively necessary for him to first of all complete the subjugation of *Afghanistan, which is manifestly the natural base for any campaign against India from the west.* Accordingly he undertook a series of expeditions within the limits of his new possessions, and reduced to subjection the tribes occupying the mountains of Afghanistan. •In the autumn of the year 1507 A. D. he made a raid upon the Ghilzais whose country lies to the south of Ghazni. This raid was very successful, for he defeated this tribe and carried off a large number of cattle, as well as exacting a tribute of 16 000 camels.

The Uzbaks having at this time (1507 A. D.) captured Herat and being *en route* to Meshed, Babar decided upon marching towards Kandahar and thence into Khurassan, and upon taking such subsequent action as circumstances might dictate. On arrival at Shahr-i-Saf.* Babar adopted all precautionary measures, as he had with him a force of 2 000 men, but his troops were splendidly organised and disciplined. The Kandaharis who confronted Babar's force with from 6,000 to 7,000 men, were defeated after a smart engagement, and Kandahar was occupied. A considerable amount of booty and a large sum of money fell into Babar's hands. Babar having appointed his youngest brother, Nasir-Mirza, governor of Kandahar, soon afterwards returned to Kabul, which, however, he had no sooner reached, than the news came to him that the Uzbaks were besieging Kandahar.

Babar not deeming himself at this time in a position to enter upon a war with Sheibani-Khan, chief of the Uzbaks, decided upon immediately carrying out his plan of campaign against India. Accordingly in the month of February 1508 A. D., Babar's force marched through the Khurd-Kabul gorge and over the Kuru-Sai pass, but here it encountered opposition from the Afghans who fortified the heights in the neighbourhood of Jagdalak. Having driven back these men, Babar advanced to the fort of Adinapur where he divided his army into four detachments. The autumn season was now over and the people were harvesting the rice crop. Babar was then

* On Russian maps, Shaar-i-Saf.—*Author.*

advised to move along the Alishang stream* on the banks of which there were many rice fields. Having ordered a detachment to proceed to the *tumen* of Mandraur† a large stock of rice was seized. Babar then visited certain other places in the valley of the Kabul river, including Kunar and Nurgil: after this he deferred carrying out his campaign against India and so returned to Kabul, for at Kunar he received the news from his brother Nasir who had fled to Ghazni, that Sheibani's force, after capturing Kandahar, had gone back again towards Herat. On his return to Kabul, Babar appointed his brother Nasir, Governor of Ghazni and established his own authority over the *tumens* of Panj-Nagar, Mandraur, Dara-i-Nur, Kunar and Nurgil. At this time, Babar who had hitherto been satisfied with the title of *Mirsa* only, resolved to take the title of *Padishah* or independent sovereign.

In the spring of the year 1509 A. D., the new *Padishah* undertook an expedition against the Afghans in the neighbourhood of Mukur. Towards the north, there now occurred events of extraordinary importance: they arose in this way. Sheibani-Khan, who had by this time possessed himself of almost all the provinces of Central Asia which had comprised the monarchy built up by Timur, was now a neighbour of the Shah of Persia, the energetic Shah-Ismail, head of the *Shiah* sect of Muhammadans, whereas Sheibani-Khan was a zealous leader of the *Sunni* sect, who hold themselves to be the only orthodox followers of the Prophet. And so in the year 1508 A. D. the Shah of Persia received an insolent letter from Sheibani-Khan ordering him to abandon his heresy, and threatening that if he did not do so, he would level Ispahan with the ground. This led to a war between the two rival leaders of the Muhammadan sects, and the Persians prepared for a campaign against Khurassan. The Uzbaks were driven in turn out of Damgan, Sabzawar and Nishapur, and out of a portion of Khurassan. The Persians then had recourse to stratagem. In order to entice Sheibani-Khan out of Merv, where he had shut himself up, they began to withdraw, whereupon Sheibani-Khan threw himself upon the rear of the retiring Persians, who allowed the Uzbaks to follow them across the Murghab, and then they broke down the bridge across that river and surrounded Sheibani-Khan and his troops. An engagement ensued, in which the Uzbaks performed miracles of bravery, but they were crushed by superior numbers and so perished.

As soon as Babar heard of the fall and death of his Uzbek

* This stream, after being joined by the Alingor, flows into the Kabul river at a point 16 *versets* (11 miles) west of Jalalabad. — *Author*.

† On the lower course of the Alishang stream: on Russian maps, Mandraur — *Author*.

arrival; Sheibani-Khan, he proposed an alliance with Shahi Ismail. This alliance was concluded in the year 1511 A. D., after which Babar, at the head of a considerable force of Persians, Badakhshanis and Afghans crossed the Amu-Daria and occupied, almost without opposition, Samarkand, Hissar, Bukhara and other towns. But this triumph was shortlived, for there appeared an avenger for Sheibani-Khan in the person of his talented nephew, Obeidullah, who in the year 1512 A. D. re-took Samarkand and utterly defeated Babar's troops. Babar himself had to fly to the Amu-Daria where he was joined by a Persian force at Termez.* The united forces now advanced and soon captured the town of Karshi, of which the Persian general, who hated the Sunnis, ordered the whole of the garrison and all the inhabitants of the town to be slaughtered. Deeply hurt by this display of barbarous chastisement, Babaar, in the year 1515 A. D. broke off his alliance with the Persians, and accompanied by a few horsemen only, re-crossed the Hindu-Kush and returned to Kabul.

He now resolved to bring to an end the fulfilment of his early dreams, and henceforward his whole attention was turned towards India. The three years between 1515 and 1518 A. D. he therefore devoted to strengthening his own position at Kabul and to organizing a good army. Towards the end of 1518 A. D. we find him on the borders of Bajaur. We should here observe that the engineering branch of Babar's army was at this time so well organised, that a sufficiency of both *fascines* and *scaling ladders* were ready in 24 hours from the time of the order being given for the assault of the fort of Bajaur. Having captured this fort, he considered the event so important, that he sent notifications on the subject to Badakhshan and Kunduz.

After crossing the mountains which separate Bajaur from Jandaul, Babar marched for the valley of Sevada or the modern Swat, against the Yusufzai tribe of Afghans, and he was soon able to pitch his camp on the banks of the Panj-Kor river, at the point where the Bajaur river is joined by the Jandaul stream† and not far from the beginning of the Kheraj and Pish-garam valleys. Babar made a large requisition of grain from the inhabitants of the Kheraj valley‡ and sent a military expe-

* We would direct the attention of our readers to Termez, which served, as we have seen in our description of the campaign of Chingiz Khan and of Timur, as a point for the passage of large armies across the Amu-Daria. Termez has, in this respect, a considerable superiority over Karki and still greater over other points on the Amu-Daria. — *Author*.

† We give these details in order to prove that the west of India can be reached not by the Khaibar and Bolan passes only, but by other routes as well. — *Author*.

‡ This information is very important in determining the value of Northern Afghanistan in the event of a march through it. — *Author*.

dition into the Panj-Kor district. He then went on to the village of Mandish, in the centre of the Kheraj valley, where a representative of the Yusafzais came to express to him the devotion of his tribe.

From the above narrative we can draw the conclusion that by this route, *i. e.*, through Bajaur and Swat, India can be reached even in mid-autumn, so that there can be no doubt whatever that the same road is quite practicable in the summer season. Moreover, as this route crosses a mountainous country, it is not so hot as in the Khaibar, and that, further, it is supplied with an abundance of the purest spring water, besides being furnished with fuel, provisions and forage. It is only, in fact, during a heavy fall of snow, that the road becomes at all blocked.

Babar went as far as the point of junction of the Bajaur and Panj-Kor rivers, and then returned to the fort of Bajaur; from here his onward route lay across the high range called Yenbagir, then across a still higher one,* and so *via* Pani-Mah, Kotlej and Mekam. From here Babar decided to throw his army into India, and on the following day marched towards the Indus to which place men were sent on in advance to report upon the course of the river; and early on the 16th of the month *Safar*, (corresponding with the middle of November) Babar's bold warriors came in sight of the river Indus. The next day they made a long march, and encamped at Hurroo to the east of Peshawur. Another long march brought them to the river Sagan which they crossed.

This rapid swoop on the Panjab, skilfully carried out, produced such a deep impression on the natives, that certain of the local chiefs at once declared their devotion to Babar, who told them that he considered the North-Western portion of India as belonging to him by right †. Not wishing to leave a bad impression of himself in this part of India, he gave strict orders that nothing was to be taken forcibly from the inhabitants of the country.

Babar's route through the Panjab was as follows: Kaldeh-Kigar, the Gumbat gorge, the town of Bahra, and a camp to the west of it on the banks of the Jhelum. Whilst at Bahra, Babar overran the province of Khushab. He now considered his success so considerable that he could enter into negotiations with Sultan Ibrahim, Emperor of India. He therefore sent off an envoy, entrusted with letters to the Emperor and

* For an explanation of this route the reader is recommended to read pp. 481-501 of Grigorieff's *Kabulistan & Kafiristan*.—*Author*.

† He observes in his *Memoirs* that the descendants of the great Timur possessed the vast area of the Panjab, which then included Bahra, Khushab, Janat and Janiat.—*Author*.

to Daulat-Khan, ruler of Lahore, but this mission met with no success; indeed, the envoy came back after the lapse of several months, without any answer at all.

Still Babar did not dismiss from his mental vision his principal object, but actively strengthened his authority over the provinces of India which he had already occupied. In order, too, to add to his material strength, he organised detachments of *Sipahis*, to whom he gave higher pay than what was usually given to this class of men, and raised their social position.

In the beginning of December 1518 A. D., Babar resolved to return to Kabul. His return march was by the following route: Indarabagh, on the Sogan river, point of the junction of the rivers Kabul and Indus, Peshawar, the Khaibar pass, Ali Masjid, the valley of the Kabul river, and Gandamak.

This campaign against India may be described as a brilliantly carried out cavalry raid, and it is for the Russians important, in that it shows the *possibility of penetrating India by a route through Bajaur and Swat, even in mid-autumn*.

In the end of January 1519 A. D., the governor whom Babar had left in the town of Bahra came to Kabul to tell him that the Afghans* and Indians had risen in rebellion, and had driven his troops out of the country. Thus Babar lost his Indian provinces as quickly as he had gained them, and yet his campaign had brought him no little good; for, in the first place, he had carried out a reconnaissance on a large scale which had made him acquainted with the country; secondly, he had secured an entire party of his own in India, a party which knowing his character and fitness for government would wish for his return; and thirdly, he still had added to the limits of Afghanistan the provinces of Bajaur and Swat.

In the end of April 1519 A. D., Babar carried out an expedition against the Afghans inhabiting the province of Hardiz, to the west of Ghazni. This was a very difficult mountain undertaking, for his troops had to cross the range which serves as the water-parting between the rivers Tarnak and Argandab. The expedition lasted five days, during which the troops had to make several long marches, but the Afghans, against whom they went, were finally punished. In the month of May, Babar visited Lughman, and in June marched against the Yusufzais of the Hasht-Nagar district. His troops went through the valley of the Kabul river and the Khaibar, but after passing Ali Masjid, Babar learnt

* From the time of Mahmud of Ghazni the Afghans constituted the governing class of India.—*Author*.

that his enemy had fled. He then immediately re-crossed the Kabul and Lundai rivers, and after which he turned eastwards with a view of annihilating the Afridis and then placing Peshawar in a state of defence, so as to have on the side of India a strongly fortified point; but in the month of July, he unexpectedly learnt that his enemies had invaded Badakhshan. He therefore once more returned to Kabul through the Khaibar, Gandamak and Jagdalak.

The next five years Babar spent in strengthening his Kabul monarchy and in organising and training his troops, so that the period between the years 1520 and 1525 A. D. may be regarded as the last preparatory stage for his great enterprise. His lengthened continuance on the throne of Kabul, his invasions of the north-west frontiers of India and the influence which he thus exercised, had made his name well known to the natives throughout the country, whilst amongst the numerous Muhammadan population of India, he had now many adherents.

His army although not a large one (about 15,000 men) was a capital force as regards bravery and skill in war, and its discipline was exemplary. Babar had introduced into it mountain artillery, and a portion of his infantry was armed with muskets. His engineers too were very skilful and quick in the manufacture of fascines, scaling ladders, and everything requisite for storming operations. The training of the infantry and cavalry was based on the system introduced by the two great army leaders of Asia, Chingiz-Khan and Timur; and of late years Babar had adopted the methods in use by the Turkish Osmanli, so that his troops could rapidly entrench themselves and construct fortified camps. His cavalry were inured to long and rapid marches, and carried out efficiently all the rules of patrol service and of reconnaissance. His army, as a whole, was accustomed to march across mountains and rivers and no obstacles were insurmountable by it.

When the autumn of the year 1525 A. D. set in, Babar had reached the age of 47, and he had then completed 35 years of military service. Although within this period he had lost his own inheritance, he had conquered Kabulistan, which, after being in his possession for a period of 20 years, had become a secure base on which he could pivot his army and direct it against, and devastate, India.

W. E. GOWAN, *Lt.-Col.*

(To be continued.)

A RAINDROP.

I sail along the summer sky,
A cloudlet's wing upon,
The lightest zephyr wandering by
Shall waft my cloudlet on.

The faintest rays of rising day
Will nestle in its form,
Until its gathered hues display
A sunrise rich and warm.

And when the shades of night unfold
The slowly sinking day,
With latest tints of sunset gold
Our glory fades away.

When rainbow hues o'erarch the sky
I love the falling shower,
And hasten down to earth and lie
Upon a thirsty flower.

I make its fairy petals bend
And sparkle to the sight,
Then trickling to a leaflet's end,
I form a drop of light.

I lose the sight of sunny skies,
Within the fruitful earth ;
And lo ! a tiny plant will rise :
I came to give it birth.

A. EWBANK.

KANARIS.

(TRANSLATED FROM THE GERMAN OF CHAMISSE.)

I.

Through the mid and moonless night
Beams the radiant crescent light
From Ali Pasha's masthead high ;
Where he holds high revelry ;
Feasting in the Armada grand
Moored near Scio's wasted land ;
All to his desire hath sped.
For by Allah's grace at dawn
All the captive Christian spawn
By Islam shall be hallowed :
And a frigate swift, bedight
With trophies from the Cretan fight
Hath brought Baleste's gory head.

II.

Strike the cymbals ! roll the drums !
Revel till the morning comes !
Sudden on the gloom of night
Bursts a flood of blinding light :
Ha ! the Red Cross ! " Fire, fire ! "
Feasting turns to tumult dire,
Mirth and joy to wild affright.
Gallant Kanaris points the way,
And steers the fireship on her prey.
Ali ! now thy doom is nigh :
Above, the flames are mounting high
Below, the sea rolls sullenly.

III.

Flares the fiery furnace blast ;
Crashing falls each blazing mast ;
Wails the miserable crew,
Prey to Grecian vengeance due :
Hope of help or succour none,
To and fro they vainly run,
To the boats their flight they urge
Crowding swamped beneath the surge :
Now roars the exploding magazine,
And drapes with smoke the frightful scene :
Shrouding the sea with lurid gloom
Fit pall for Ali's burning tomb.

IV.

Kanaris, his vengeance done,
With muffled oars doth swiftly run
Past the Turkish vessels, drifting,
Cutting cables, moorings lifting ;
Silently his shallys steering,
Through the gloom to none appearing,
Till he gains the open seas,
Hoists his sail to favouring breeze,
And as dawn begins to smile
Hails he Ipsara's friendly isle.
" Hail, the avenger ! Hail, the brave !
" Swift to conquer and to save :
" Weave for him the laurel crown,
" Who hath struck the tyrant down."
But he waves them back : and lands,
Silent, 'midst the applauding bands,
With bonnet doffed and naked feet
He passes up the shouting street ;
And in the chapel's sacred walls
Prostrate before the cross he falls.

F. H. T.

(These verses commemorate the exploit of the Greek patriot Constantine Kanaris, in setting fire to the flagship of the Turkish Admiral, or Capitan Pasha, during the War of Independence. Ali Pasha, at the head of a Turkish fleet had just devastated the island of Scio, and perpetrated that wholesale massacre of the inhabitants which roused the feelings of the whole of civilized Europe against the Ottoman rule, as the Bulgarian atrocities did fifty years later.

While Ali Pasha's flagship was still moored off the coast so ruthlessly wasted by him, Constantine Kanaris secretly approached it at night and set fire to it without being observed, and the Pasha hurrying into a boat to escape from the conflagration, was crushed to death by the fall of a blazing mast.)

THE QUARTER.

THE principal events of the quarter under review have been the alliance of Germany and Italy as represented in Signor Crispi's visit to Prince Bismarck, and the Italian minister's subsequent declarations in the Italian Parliament; the the final settlement, as far as finality can be secured by treaties, of the Suez Canal and New Hebrides difficulties between England and France; the illness of the Crown Prince of Germany; the reign of lawlessness in Ireland continued; the pacification of Burmah continued; the active Parliamentary warfare in England, maintained with great spirit by the leading party representatives, Mr. Gladstone, Lord Hartington, Sir William Harcourt, Lord Randolph Churchill; the Liberal conference at Nottingham; Mr. Chamberlain's visit to Ulster; the War Office scandals in France culminating in the resignation of President Grévy; the surrender of Ayoub Khan; the death of Lord Wolverton; the death of Mr. Beresford Hope; the Socialist demonstrations in London; the end of the Cass case, and, in India, the Nizam's gift to the Government of India; the retirement of Sir Alfred Lyall; the loss of the "Arcot" in the Hoogly, and the Ross-Morgan trial in Madras.

Signor Crispi's overture to Prince Bismarck ought to have a sobering effect on French politicians of the Boulanger type. Italy perceives that Germany is bent on the maintenance of peace; that his policy is strong and resolute for that purpose, and not for purposes of aggrandizement and aggression, and she has most wisely thrown in her lot with Germany, and the fact that she has done so, will greatly strengthen Prince Bismarck's hand, and make his task of maintaining peace in Europe—at least during the life-time of the old Emperor,—easier and more practicable than it was. It was a bold move on the part of Signor Crispi. The action he has taken has caused much irritation against the Italian Government in France, but this will pass away; the French are a volatile people, and their feelings are never steadily directed in one direction for any length of time together. It is even contended by people who know France well, that the party of *revanche* in France is not nearly so strong as it was, although it is still strong enough to be the greatest political force in the country; but, however that may be, the alliance between Italy and Germany will form a stronger guarantee for the maintenance of peace than any change, however marked or universal, in the warlike sentiments of the French people.

The Suez Canal difficulty has been adjusted, at least for the present, and the management of the Canal itself has been arranged for, in what appears to be a satisfactory manner at last. This settlement is certainly a feather in Lord Salisbury's diplomatic cap, and the Conservatives are sure to make the most of it, and with good reason, at the next general election. Nor does this Conservative triumph in foreign policy stand alone, for that other vexed question—the French occupation of the New Hebrides—has been settled also, and in substantial accordance with the views of the English government on the question.

A fearful calamity has overtaken the Royal Family of Germany. The Crown Prince is suffering from an incurable complaint—cancer in the throat. He is universally beloved and esteemed. Even in France he was as popular as any German Prince could be; and, it is well known, that the influence which he exerted in the Councils of the Empire, was altogether a wholesome and enlightened influence, and this calamity will be specially deplored in England as another heavy sorrow added to the troubles of our Royal Family; for is not the Crown Prince the husband of our Princess Royal—the son-in-law of our beloved Queen.

Ireland continues to be—

A purple land where law secures not life.

During the quarter under review, there was a serious affray at Milliestown between the police and the people, in which many were injured and some killed; another farmer was shot dead for the crime of paying his rent; a constable was murdered; Mr. O'Brien was tried on a charge of inciting to violence, condemned and imprisoned; that half-crazed enthusiast, Mr. Wilfred Blunt, was arrested for insisting on addressing a proclaimed meeting, tried, and imprisoned for two months; Mr. Gladstone has been unsparing in his exertions to make as much political capital as possible out of the present condition of "the most distressful country," as pointing to the failure of Conservative methods of Government in relation to Ireland, and so the story goes on from quarter to quarter, and so it would seem it is destined to go on to "the last syllable of recorded time." Every one is asking when will it end? A silly question! This cheerful state of things has lasted substantially for several centuries; why should it not continue to last for several more.

A shocking exposure in connexion with French military administration took place during the quarter under review, and the scandal culminated in the resignation of President Grevy.

persons discovered that honors, appointments, and decorations had been *sold* by the principal authorities of the French War Office, and that this traffic was carried on with the aid of unprincipled adventurers of both sexes, and accompanied by the most disgraceful intrigues. Now their thorough preparedness for a great European war has for a long time been an article of faith with the French people: as in the time of Napoleon the Third, everything is ready down to the "last button on the last gaiter." How about this belief now? If the fountain of French military administration has been for a long time in this polluted state, how about the stream itself?

We have heard very little about Burma during the quarter under review, and this, in itself, is a satisfactory sign. The country is slowly but surely settling down into a more tranquil state. Some writers in the *Pioneer* have been drawing comparisons between the last Burmah campaign and the present one, with a view to proving that the pacification of Upper Burmah now, is progressing quite as fast as could possibly be expected and, has actually, so far taken far less time than the pacification of Lower Burmah consumed after the last campaign. These comparisons are not very logical. Our resources and appliances in connexion with military operations—Martini Henry rifles, armed steam launches, torpedo-boats, electric light heliographs, &c., are enormously greater now, than they were then, and we ought to be able to count on proportionately quicker and more satisfactory results.

Since the commencement of the recess, the war of words in England outside the doors of Parliament has proceeded very merrily. All the leaders have been making, what the English newspapers call, *great*, that is, inordinately long speeches in various parts of the country. Mr. Gladstone made a *great* speech in Nottingham; Mr. Chamberlain a *great* speech in Belfast; Lord Randolph Churchill a *great* speech at Newcastle and so on and so on, and these great speeches have resulted in nothing, except a clearer and more emphatic indication of the fact, that the split in the Liberal camp is a very hopeless split indeed, and that the Unionists, whatever may be their fate at the next general election, have nailed their colors to the mast, and will oppose, to the uttermost, any proposition, however modified, for the legislative separation of Ireland from the United Kingdom. Mr. Chamberlain met with an enthusiastic reception in Ulster.

Ayoub Khan, failing in his attempt to get a footing in Afghanistan, returned to Persia, and remained in hiding for a considerable time. At last he went to Meshed, and gave himself up to the English representative at that place. This

is very satisfactory. It shows that Abdur Rahman is far more firmly fixed on the throne than his enemies were willing to believe. All the movements against him, so far, have come to nought, and this last, the most serious of all, collapsed suddenly, completely, and ignominiously, and this will be a heavy blow and great discouragement to the Herati followers of Ayoub Khan. It also turns out that the industriously circulated rumours about the failing state of the Amir's health have no foundation in fact, for Dr. O'Meara has informed us, that apart from periodical attacks of gout, the Amir is in very good health, and that the ailment from which he is suffering is hereditary in his family, and has assumed a form which may embitter, but is not in the least degree likely, to curtail his life.

Lord Wolverton, one of Mr. Gladstone's oldest friends and staunchest supporters, died somewhat suddenly during the quarter under review. Lord Wolverton was a man of enormous wealth, and gifted with great energy and wonderful powers of organization, and both his gifts and his money were devoted without stint to the interests of his party during his long and honorable life.

And with this Trojan fell a Greek: Mr. Beresford Hope died during the quarter under review. Mr. Beresford Hope was the senior member for the University of Cambridge, the proprietor of the *Saturday Review*, and a staunch Tory of the staunchest and most old fashioned type. He was, like Lord Wolverton, a man of immense wealth. He was also a man of great and varied culture, but his strongest sympathies lay with the English Established Church, and he spent enormous sums in connexion with the restoration of old English churches and cathedrals in various parts of the country.

In connexion with the Cass case Constable Endacott was tried for perjury and acquitted, another reflection on the Government management of this much-bungled business, and another nail in the coffin of the Home Secretary's official reputation.

The London Socialists have been well to the fore during the quarter under review. Their meetings and processions have, for the time being, quite eclipsed the Salvation Army, both in numbers, display of banners, and general silliness, with an added element of rowdyism and ruffianism to which the Salvationists could lay no claim. Conflicts with the police have been very numerous, and in some cases very severe, but the disclosures of the police court would seem to indicate that these demonstrations do not really represent the "great unemployed," but rather the blackguardism of the great city; and, if this is so, their significance, either from a social or political point of view, is not very great. A few very sharp sentences put down garrotting, and if some of the so-called

Socialist leaders who incite mobs to pillage and destruction got a few months hard labour instead of being let off with warnings, fines, and short terms of simple imprisonment, it is probable that we would hear very little more about Socialist demonstrations for a long time to come.

The Nizam's princely offer to the Government of India has been accepted, and although it would be easy to exaggerate the importance of this gift either from a political or financial point of view, yet it does possess some significance, and that significance will be duly appreciated in the quarter where it is most needed, namely Russia. It is one thing for Russia to attack England in India, and it is quite another thing for Russia to attack England in India plus India. From the commencement—from the day Captain Yate started until he returned—we have lifted up our voices against the Afghan Boundary Commission. It pledges England to a frontier policy—the maintenance of a frontier line hundreds of miles beyond her real frontier—which is not our real policy, and which will yet involve us in the most serious difficulties. For defensive purposes we are exceedingly strong, and we are growing stronger every hour. For offensive purposes we are not strong, that is, relatively speaking, and the policy we have adopted is one which may compel us at any moment to assume the offensive under the most serious disadvantages.

A most extraordinary trial in Madras reinforced the sensational element of a somewhat unsensational Indian quarter. A lady named Mrs. Morgan confessed to her husband that she had been carrying on an adulterous intrigue with Mr. Ross, a Civilian of standing, and the Registrar to the Madras High Court. Mr. Morgan instituted a criminal prosecution against Mr. Ross, and in the course of her evidence at the trial, Mrs. Morgan entered into the minutest details of what she called her "seduction" by Mr. Ross, and all the incidents and circumstances of her subsequent criminal intercourse with him. After hearing all the evidence pro and con, the jury unanimously acquitted Mr. Ross, thus practically affirming that Mrs. Morgan's self-accusations were founded on the purest invention, and in this verdict the public have fully concurred.

That portion of the river Hoogly which is known as the James and Marys has been for a long time a sort of marine Minotaur to Calcutta, exacting an annual tribute of ships, instead of virgins, from the city of dilapidated palaces, but we are still looking for our Theseus and Ariadne, and shall probably have to look for them for a considerable time to come. Hard and fast on the loss of the Marhatta, came the loss of the Arcot, a British India ship, and almost in the same spot. As the ship was trying to turn the bend at the James and Marys, the steering gear gave way under the strain, and the Arcot turned

turtle almost immediately afterwards. Most fortunately several ships and boats were in the vicinity of the Arcot at the time and only a few lives were lost.

I would like in this place to draw the particular attention of the legal and administrative reader of this Review to that portion of Mr. Phillip's article in this issue, which deals with the comparative aspects of Indian law relating to adultery. It appears to me that a possible solution of the Rukhambai difficulty is to be found in the suggestions which Mr. Phillips puts forward for the consideration and acceptance of the legislature. There are some aspects of the Rukhambai case which, in the general interests of the native community, ought to be very carefully borne in mind, in any attempt to deal with it directly or indirectly, by means of legislation. Some castes pay very heavily for getting wives, and if decrees for restitution of conjugal rights cannot be enforced by the imprisonment of the woman, there is virtually no remedy left. A Hindu married woman may leave her husband and live in open adultery with some one else and snap her fingers at her husband. Having regard to oriental customs and feelings, this is a very dangerous result. On the facts it seems that the Rukhambai case arose because money was involved, and the legislature should wait for a score or so similar case (established to be *bond fide*) before moving. Conjugal infidelity is (so we are informed by those who ought to know) probably getting more common among Hindus, and the virtual abolition of any civil remedy will give a greater impetus to such infidelity. The legislature would do well to create some counterpoise, and certainly think that the adoption of the proposal made by Mr. Phillips would be a judicious sop to the cerberus of native opposition which will be readily and even greedily accepted. It must be remembered that Hindus must marry for religious reasons in order to get male progeny, and numbers of them have to pay heavily for their wives. They may be too poor to be able to afford another. Moreover, there is no such thing as divorce among Hindu people, and they have not yet attained to that higher civilized conception of matrimony as a mere commercial partnership which distinguishes some of the higher forms of western civilization. They are primitive and ignorant enough as yet to see in the marriage tie the most sacred and enduring social bond of life.

As we go to press (24th December) the later accounts respecting the Crown Prince are more favorable, and it is now confidently hoped that the disease from which he is suffering may not prove to be incurable after all.

24th December 1887.

G. A. STACK.

SUMMARY OF ANNUAL REPORTS.

Registration Department in Bengal.

PRINCIPAL STATISTICS—

The following table compares the main features of the past year with those of each of the seventeen years which preceded it, and shows at a glance the variation from year to year in the number of offices, the number of registrations, the amount of receipts, the expenditure, and the balance in favour of Government :—

YEAR.	NUMBER OF REGISTRATIONS.				Total receipts.	Total expenditure.	Surplus.	Number of registration offices.
	Affecting imm.vable property.		Other registrations.	Total.				
	Compulsory.	Optional.						
1869-70	158,226	50,358	37,997	246,581	Rs. 4,02,392	Rs. 3,07,545	Rs. 94,847	150
1870-71	157,075	44,490	30,831	232,386	3,78,084	3,04,393	73,691	155
1871-72	154,900	53,803	30,791	239,491	3,62,990	2,73,410	89,580	137
1872-73	170,609	65,052	36,661	272,722	4,22,744	2,95,460	1,27,284	150
1873-74	198,741	77,104	44,028	319,873	4,68,511	3,18,437	1,50,074	201
1874-75	250,340	98,970	74,563	423,873	5,52,325	3,86,953	1,65,372	246
1875-76	265,265	106,629	85,757	457,651	5,56,305	4,17,402	1,39,103	290
1876-77	268,125	104,436	94,013	466,574	5,66,282	4,30,168	1,36,114	310
1877-78	312,022	121,842	116,405	550,269	6,64,236	4,87,355	1,76,881	309
1877-79	349,094	136,121	113,936	599,151	8,70,497	4,97,966	3,72,531	293
1879-80	337,544	147,610	123,975	609,129	9,11,037	4,97,969	4,13,068	292
1880-81	317,777	123,899	104,457	546,133	9,16,681	5,24,279	3,92,402	297
1881-82	303,823	132,475	100,786	537,084	9,11,920	4,98,514	4,13,406	287
1882-83	337,609	146,521	101,011	585,141	9,48,104	4,95,180	4,52,924	285
1883-84	331,706	163,964	105,332	601,002	9,74,711	5,04,755	4,69,956	285
1884-85	374,730	193,111	119,839	687,680	10,74,501	5,56,110	5,18,391	290
1885-86	386,032	221,384	126,485	733,901	10,81,177	5,68,365	5,12,812	292
1886-87	376,498	194,518	127,123	698,139	10,31,485	5,64,274	4,67,211	300
Increase ..			638					8
Decrease ..	9,134	16,866	....	25,362	56,692	4,091	52,601	..

* These figures include some deeds, the registration of which has now become compulsory under Bengal Tenancy Act, vide paragraph 8.

In the Government Resolution in this report we have the following para.:—

Effect of the Tenancy Act on registration.—It is remarkable that the provisions of section 29 of the Bengal Tenancy Act, which require that contracts by which rents are enhanced must be in writing and registered, have not produced any appreciable effect on the returns. But perhaps it would have been unreasonable to have expected that any effect which the Act may produce in altering the rooted custom in this respect should be immediate. The Inspector-General considers that the restriction placed on sub-leasing by section 85 has reduced the number of registrations of such transactions, and this seems most probable. In requiring the registering officers to take the landlord's fees from persons registering documents by which sub-tenures are transferred, and to transmit these sums to District Collectors for the zemindars, the Act

has imposed a novel and irksome duty on the department, not unattended with expense. The Registrars report unfavourably of the working of this provision, which they consider to be unpopular both with landlords and tenants. A similar representation has been received from the Board of Revenue. This portion of the law was framed mainly in the interests of the zemindars; and although there is some reason to believe that they are not altogether satisfied with its practical effect, they have not as yet intimated any desire for its repeal, a measure advocated by some officers of Government. This, however, is a matter that more nearly concerns the Revenue Department, and a copy of paragraphs 54-56 of the Inspector General's Report will be communicated to that department.

Stamp Department, Bengal.

PRINCIPAL STATISTICS—

The financial results of the administration of the Stamp Department during the year are shown in the following table :—

YEAR.	STAMPS UNDER ACT I OF 1879.			COURT FEES UNDER ACT VII OF 1870.			TOTAL.		
	Receipts.	Refund. and other charges.	Net revenue.	Receipts.	Refunds and other charges.	Net revenue.	Receipts.	Charges.	Net revenue.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1882-83 ..	33,58,705	1,48,306	31,70,487	88,54,739	3,49,251	85,05,488	1,21,13,534	5,37,559	1,16,75,975
1883-84 ..	33,83,098	2,04,345	31,71,713	91,93,816	3,46,607	88,07,209	1,25,76,974	5,90,082	1,19,85,892
1884-85 ..	34,57,958	2,04,566	32,53,462	95,33,226	4,07,185	91,26,041	1,29,91,214	6,11,711	1,23,79,503
1885-86 ..	35,75,275	1,99,960	33,75,315	96,82,780	4,26,388	92,56,392	1,32,58,055	6,26,348	1,26,31,707
1886-87 ..	34,72,802	1,49,293	32,83,509	99,89,759	4,21,010	95,68,749	1,34,62,561	6,10,303	1,28,52,258

The figures for the first four years shown in the statement above are based on the figures furnished by the Accountant-General in his final statements for those years, while those for the year under review are approximate only. The total revenue derived under the Indian Stamp Act during the year is smaller than that obtained in the preceding year by Rs. 1,02,473. There is also a decrease in the charges, amounting to Rs. 10,667, which reduces the decrease in the net revenue under this head to Rs. 91,806. On the other hand, the collections from judicial stamps, including the sale of plain paper used for court-fee stamps, show a large increase of Rs. 3,06,979. In charges and refunds there has been a decrease of Rs. 5,378, the general result being an increase of over three lakhs of rupees in the net revenue of the year under the head of court-fees, or of over two lakhs in the net revenue from stamps generally.

Emigration from the Port of Calcutta to British and Foreign Colonies.

PRINCIPAL STATISTICS :—

Emigration to the Colonies during 1886 was on a somewhat larger scale than in the preceding year, but the number of emigrants did not nearly come up to that of 1884-85, before the decline of the sugar industry, when ten Colonies had agencies working in Calcutta. Only four Colonies indentured

Colonies from which requisitions were received for labourers.

last season for labourers, *viz.*, British Colonies—Demerara, Trinidad, Fiji, and the Dutch Colony of Surinam. On the whole, requisitions were received for 7,010 labourers against 6,430 in 1885-86 and 18,639 in 1884-85. Of the total number for whom requisitions were received in the year under review, Demerara indented for 3,710, or a little more than half. Trinidad indented for 2,050, Fiji 930, and Surinam 320. The increased demand for Indian labour in Fiji, noticed in last year's Resolution, has not been fully maintained.

Dispensaries, N-W-P. and Oudh.

P RINCIPAL STATISTICS:—

In the 226 dispensaries, 2,109,478 persons received relief, against 1,936,352 in 1885. To these have to be added 71,960 persons treated by the Mission dispensaries, and 68,740 by the 13 excluded "Private" dispensaries, making a total of 2½ million cases on a population of 44 millions. The year was not exceptionally unhealthy, though in the Meerut and Agia Divisions there was a good deal of malarious fever, and skin-diseases were very prevalent in certain districts. In the absence of any special epidemic or distress among the population, the increase in the number of patients attending the dispensaries in 1886 is attributable mainly to growing confidence and appreciation on the part of the public. In-door patients numbered 48,299, against 47,127 in 1885; and out-door patients 2,061,179 against 1,889,225 in 1885. Some allowance has to be made in instituting this comparison for the work performed by the new dispensaries opened during the year. But even with this deduction the attendance during 1886 shows a decided increase.

Civil Justice, Punjab and its Dependencies.

The number of suits instituted in the Civil Courts in each of the past five years has been as follows:—

GRADE OF COURT.	1882.	1883.	1884.	1885.	1886.
Chief Court	1	1	3	4	8
Divisional Courts	3	...	3	5	9
District Courts of general jurisdiction	236,147	239,814	241,197	225,392	218,427
District Small Cause Courts	12,942	13,537	18,825	13,883	15,680
Cantonment Small Cause Courts	6,959	7,616	7,832	7,768	8,204
TOTAL	56,052	260,968	262,860	247,047	242,328

As explained in the report of last year, the decrease in the institutions of 1885 was due to the passing of the present Punjab Courts Act at the end of 1884, and the consequent transfer of certain classes of cases (Tenancy and Revenue) from the Civil to the Revenue Courts. The figures of 1886 show an actual decrease from the previous year in the number of suits brought; and this appears to be evenly distributed over the Provinces. No special reason for the falling off is assigned.

Land-Revenue, Oudh, 1886.

COLLECTION OF THE LAND-REVENUE.

The total land-revenue under all headings was Rs. 1,41,76,272 as compared with Rs. 1,41,35,160 in the preceding year. Land-revenue demand and collections. Rupees 4,695 were remitted or refunded. The net statement No. XIX. demand was thus Rs. 1,41,71,577. The collections amounted to Rs. 1,41,66,238. The balance uncollected was Rs. 5,339.

9. The land-revenue demand on the roll of 1885-86 was Rs. 1,40,67,435. During the year it was increased by Rs. 25,676, the details of which are as follows :—

Changes in the revenue-roll.
Statement No. XX.

			Rs.
By lapse of revenue free grants...	..	...	4,715
„ revision of assessment	...	..	878
„ assessment of waste-lands	...	...	58
„ alluvion	...	..	6,093
„ progressive assessments	...	..	3,581
„ other causes	...	..	10,351

The increase under the last item is again entirely due to the restoration to the revenue-roll of estates in the Fyzabad and Sultanpur districts, in which sequestration was terminated.

Insane Asylums, Bengal, 1886.

PRINCIPAL STATISTICS—

The total number of persons who were in confinement in all the asylums in Bengal, with the exception of the European Asylum at Bhowanipore, on the 1st January 1886 was 955, of whom 757 were males and 198 females. The numbers of admissions and re-admissions during the year were 200 and 18 respectively. Of all those under treatment, 87 persons were discharged cured, 41 were transferred to the care of friends, 4 were discharged and 85 died, leaving 956 persons in the asylums on the 31st December 1886. The daily average population was 963.9 against 939.62 in 1885. The percentage of recoveries calculated on the daily average strength was 9.02 against 9.89 in the previous year.

Sea-borne Trade of India.

PRINCIPAL STATISTICS—

The aggregate value of the trade under all heads for the last eight years was as follows:—

	Imports.	Exports.	Total.	Percentage of increase or decrease each year compared with preceding year.	
	Rs.	Rs.	Rs.		
1879-80	51,39,75,610	69,10,19,860	1,20,49,95,470	+	11.15
1880-81	59,29,70,482	75,94,06,850	1,35,23,77,332	+	13.23
1881-82	58,31,48,651	82,99,93,464	1,41,31,42,115	+	4.49
1882-83	63,45,61,977	84,38,17,237	1,47,83,79,214	+	4.62
1883-84	65,58,18,545	89,10,28,679	1,54,68,47,224	+	4.63
1884-85	67,02,81,588	85,08,78,583	1,52,11,60,171	—	1.66
1885-86	67,28,93,373	84,91,56,777	1,52,20,50,150	+	0.05
1886-87	69,71,47,812	90,11,31,715	1,59,82,79,527	+	5

2. The trade of last year was 32·6 per cent. larger than that of 1879-80; the average yearly rate of increase in this period has been about 4·08 per cent. and, during the five years 1882-83 to 1886-87, 8·19 per cent., or an annual average increase of 1·64 per cent. Last year's trade was exceptionally large, and it is unlikely that the trade of the present year will shew any appreciable advance on it.

Sanitary Report, N.-W. P. and Oudh, 1886.

PRINCIPAL STATISTICS—

The year 1886 was throughout the Province one of excessive rainfall and considerable sickness. There was very little small-pox and less cholera than usual, only 45,000 of the million and-a-half deaths recorded during the year being attributed to these diseases. Fever in various forms was, however, very prevalent, especially in the Rohilkhand and Meerut Divisions. In fact, nine deaths in every 11 throughout the Province were reported as deaths from fever. Prices remained fairly low, and there was no distress. The ill health which has prevailed in the Province during the last three years may reasonably be assigned to seasons of unusually heavy rainfall.

Railways in Bengal.

PRINCIPAL STATISTICS—

The gross receipts from the State Railways of Bengal, which amounted to only 32½ lakhs in 1881-82, have in the subsequent five years risen steadily as follows: 37½, 41½, 43, 45, and 53 lakhs. Working expenses have of course also risen as new lines were added and extensions carried out. From 19 lakhs in 1881-82, working expenses have risen to 21, 25½, 31½, 31, and 32 lakhs in the subsequent five years, leaving the province a net revenue which from 13½ lakhs in 1881-82 has been 16, 15½, 11½, 14 and 21 lakhs in the subsequent five years ending with that under review. The working results of some of the lines, such as the Patna-Gya, the Nalhati and the Kaunia-Dharila have not exhibited that elasticity which might be desired, but others have steadily continued to bring in increased earnings year by year. The Northern Bengal, for example, has, since 1881-82, without any great extensions of mileage, given the following results as gross earnings, 19½, 22½, 21½, 21½, 23½, 26½ lakhs. There is a steadiness about those figures which augurs well for future development.

Crime in the Punjab.

PRINCIPAL STATISTICS—

The total number of cognizable offences reported to the Police and to the Magistrates, excluding in cases which it was subsequently discovered that the circumstances reported did not relate to the commission of a cognizable offence, and in which the person reporting was *not* actuated by malice, but including false charges in which a degree of criminality attached to the reporter, was 72,915 or 4·413 in excess of the number for 1885.

The fluctuations are shown in the following table:—

Fluctuations in classes of crime

Fluctuation in Classes of Crime.

1	2	3	4	5	6	7	
Classes.	Offences.	1884.	1885	Average of the two years.	1886.	Difference per cent. of average of the two years compared with 1886.	
						Increase	Decrease
	Substantive Abetments ...	...	...	...	...	...	...
I	Offences against the State, public tranquillity, safety and justice ...	1,270	1,306	1,288 0	1,424	10.5	...
II	Serious offences against the person ...	4,575	5,136	4,855.5	5,462	12.5	...
III	Serious offences against the person and property, or against property only ...	13,193	14,602	13,897.5	17,780	27.8	...
IV	Minor offences against the person ...	1,211	1,293	1,252.0	1,374	9.7	...
V	Minor offences against property ...	23,552	25,983	24,766.7	27,492	11.0	...
	Total of five classes (excluding Abetments above)	43,801	48,820	46,060.5	53,534	16.2	...
VI	Other offences not specified above ...	18,769	20,182	19,445.5	19,381	...	.3
	Total (excluding Abetments) ...	62,510	68,512	65,506.0	72,915	11.3	...

Sanitary Report, Bengal.

Causes of mortality. The following table shows the death-rate from various causes during 1886, 1885, and the quinquennial period 1881-85 :—

	PROPORTION OF DEATHS PER 1,000 OF POPULATION.								
	In 1886.			In 1885.			In 1881-85.		
	Urban.	Rural.	Province.	Urban.	Rural.	Province.	Urban.	Rural.	Province.
Cholera ...	4.12	1.70	1.78	5.22	2.53	2.62	4.08	1.91	1.99
Small-pox ...	.08	.06	.06	.83	.14	.14	.58	.21	.23
Fever ...	1.09	16.11	15.97	14.40	15.79	15.75	15.08	14.46	14.48
Bowel Complaints ...	3.77	.78	.84	4.12	.85	.96	3.79	.78	.89
Injury ...	.50	.43	.43	.50	.43	.13	.42	.36	.36
Other causes ...	6.51	2.74	2.88	7.01	2.66	2.81	6.13	2.44	2.88
ALL CAUSES ...	27.29	21.79	21.99	31.63	22.42	22.74	30.67	19.98	20.86

The death-rate in rural circles was 21.79 per 1,000, and in urban circles 27.29. The figures from 1881 to 1886 tend to show that urban circles are more unhealthy than the rural areas, and that better registration in the

former cannot alone account for the widely divergent ratios. With reference to Dr. Lidderdale's remarks regarding the mortality among European seamen and the native floating population, the insanitary condition of the river and its causes have been noticed in paragraph 7 of the Resolution on the Report of the Health Officer for 1886, and the necessary orders have been passed. The opinion of the majority of local officers is that the year 1886 has been healthier than the preceding year. This opinion is endorsed by the Sanitary Commissioner, who attributes it principally to a decrease of cholera and small-pox, and a reduction in the price of food-grains owing to a good harvest.

Land Revenue, Bengal, 1886.

PRINCIPAL STATISTICS :—

The current demand on account of the four classes into which estates are divided is shown below—
Land Revenue demand.

CLASS OF ESTATE.	CURRENT DEMAND.	
	1885-86.	1886-87.
Permanently settled estates ... Rs.	3,22,99,680	Rs. 3,22,97,484
Temporarily ditto ... "	27,14,942	" 27,26,304
Government estates ... "	21,97,439	" 22,36,201
Ryotwari tracts ... "	8,21,318	" 8,35,309
Total Rs.	3,80,33,379	3,80,95,298
Increase during the year Rs.	61,919	

It was noticed in the Resolution on the Report of the previous year, that there was a diminution in the rate of development of the land revenue, owing to the greater moderation now exercised in enhancing rents, and the greater readiness to reduce them when they are found to be excessive. This tendency continued to be felt during 1886-87, the increment being less than half that which was annually gained on the average of the years before 1884-85. It is, however, somewhat in excess of the increase during the last two years; and in future it is probable that the elasticity of this branch of the revenue will be maintained by the more active policy which it is proposed to adopt in the matter of surveys and re-settlements. To the current demand of Rs. 3,80,95,298 must be added an arrear of Rs. 25,13,482, making the total demand Rs. 4,06,08,780.

The remissions, which amounted to Rs. 1,77,733, or '43 on the demand, include corrections in the accounts made by cancelling double assessments on the same lands, and similar alterations having the effect of excluding sums never due, out which were entered by mistake. Under orders recently issued by Government, these changes will not hereafter be shown as remissions. The remissions made by Government voluntarily, classified as "of grace," amounted to Rs. 83,390, as against Rs. 38,072 in 1884-85, and Rs. 56,458 in 1885-86. In so far as the increased remissions are due to concessions granted to ryots on account of poverty, or exceptional misfortunes, such as the destruction of crops in low lands by salt water from the Satpukuria khal, in the 24-Pergunnahs, they command the entire approval of the Lieutenant-Governor. Indeed, discriminating and prompt remissions in such cases are not only of the greatest service to the ryots, but are also, in the long run, advantageous to the revenue.

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No man who hath tasted learning but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world: and, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away.—MILTON.

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CONTENTS.

	PAGE.
ART. I.—THE MUSERAS OF CENTRAL AND UPPER INDIA	219
„ II.—CAMPAIGNS AGAINST INDIA	287
„ III.—THEN AND NOW :—A RETROSPECT AND AN ESTIMATE :—	308
1.—A History of the Sepoy War in India. By John William Kaye. London, Allen & Co. 1865-1876	<i>ib.</i>
2.—History of the Indian Mutiny. By Colonel G. B. Malleson. London, Allen & Co. 1878- 1880	<i>ib.</i>
3.—Men and Events of my Time in India. By Sir Richard Temple, Bart. London, John Murray. 1882	<i>ib.</i>
4.—A History of the Indian Mutiny. By T. R. E. Holmes, London, Allen & Co. 1883	<i>ib.</i>
5.—Cosmopolitan Essays. By Sir Richard Temple, Bart. London, Chapman and Hall. 1886	<i>ib.</i>
„ IV.—THE LIQUOR TRAFFIC IN BRITISH INDIA; OR HAS THE BRITISH GOVERNMENT DONE ITS DUTY?	329
„ V.—INTEMPERANCE	373
„ VI.—SOME IDEAS ABOUT THE REMARRIAGE OF HINDU WIDOWS	378

	PAGE.
ART. VII.—SOME REFORMERS	384
A RUSSIAN LEGEND	390
THE QUARTER	391
SUMMARY OF ANNUAL REPORTS :—	

1.—Public Instruction, Bengal	397
2.—Revenue Administration, Punjab	398
3.—Lunatic Asylums, Madras Presidency	<i>ib.</i>
4.—Inland Trade of Calcutta	<i>ib.</i>
5.—Forests in Bengal	400
6.—University Education, N-W-P	<i>ib.</i>
7.—Customs, Bengal	401
8.—Excise, Bengal	402
9.—Income Tax, Bengal	404
10.—Report of the Administration of the Andaman and Nicobar Islands and the Penal Settle- ments of Port Blair and the Nicobars, for the year 1886-87. Calcutta: Printed by the Super- intendent of Government Printing, India. 1887	<i>ib.</i>
11.—Report on the Administration of the Madras Presidency during the year 1886-87. Madras : Printed by R. Hill, at the Government Press. 1887	409
12.—Administration of the North-Western Pro- vinces and Oudh. April 1882—November 1887. Allahabad Government Press, North- Western Provinces and Oudh, 1887	413

CRITICAL NOTICES :—

1.—GENERAL LITERATURE.—

1.—Science of Jurisprudence, chiefly intended for Indian students. By W. H. Rattigan, Barris- ter-at-Law, &c., Lahore : "The Civil and Mili- tary Gazette" Press, 1888	i
2.—Records of the Geological Survey of India. Vol. XX, part 4	iii

1.—GENERAL LITERATURE.—(<i>Continued.</i>)	PAGE.
3.—A Journey through Upper India. By Purna Chandra Basu, M.A. Calcutta : W. Newman & Co., Ltd., 4, Dalhousie Square, 1887	... iv
4.—Tank Angling in India. By Henry Sullivan Thomas, Madras Civil Service, F.L.S., Author of "The Rod in India," &c. Madras : Higginbotham & Co., 165, Mount Road. London : Hamilton, Adams & Co., 32, Paternoster Row, 1887	... * v
5.—The Indian Church Quarterly Review, January 1888. Edited by the Rev. A. Saunders Dyer, M.A. Calcutta. "The Oxford Mission Press."	viii
6.—The National Review. February 1888	.. xi
7.—The Coins of Tinnevely. By Rev. E. Loventhal, Danish Lutheran Mission, Vellore. With 4 Photographic Plates, Madras : Higginbotham & Co., 1888	... xiv
8.—An English Anthology from Chaucer to the present time. Selected and edited by John Bradshaw, M.A., L.L.D. Editor of Milton's Poetical Works. Madras : Christian Knowledge Society's Depot. Calcutta : Thacker, Spink & Co. 1887	... xv
9.—History of the Christian Philosophy of Religion from the Reformation to Kant. By Bernhard Pünjer, translated from the German. By W. Hastie, B.D. Edinburgh : T & T. Clark, 38, George Street, 1887	... xvi
10.—Lord Randolph Churchill and the Moscow Gazette. Tuesday, 24th January 1888	... xxi
11.—The Imperial Gazetter of India. By W. W. Hunter, C.S.I., C.I.E., L.L.D., Director-General of Statistics to the Government of India. London : Trübner & Co., 1887	... xxii

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PAGE.

- 12.—Kalyāna Manjusá, or Nyāya Prakāsa. By Śrī
Swāmi Indra Chandra (surnamed Sinha).
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Messrs. L. M. Dās & Co. A'darsa Press,
Dacca, 1294 B. E. xxxi
- 14.—Prabandha-Múktāvalī, or Essays on Literature,
Science, Morals and Religion. Calcutta, New
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-

THE CALCUTTA REVIEW.

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ART. I.—THE MUSHÉRAS OF CENTRAL AND UPPER INDIA.

[Continued from January 1888 No., p. 53.]

III.

THE domestic ceremonies of Mushéras centre round those connected with marriage, births, and burials. As village Mushéras have learnt to imitate Hindu customs more or less, and have not strictly adhered to their own, the following remarks will relate chiefly to hill Mushéras, amongst whom the primitive manners of the tribe have been maintained in a far greater degree of purity.

Hill Mushéras have been hitherto spoken of as an unit, by way of distinguishing them from the other two units, the Dehāti, or village Mushéras, and the Palki-carrying Mushéras (Dolkárhá). But so far as marriage and burial ceremonies are concerned, it is doubtful whether they can be counted as a single tribe. Their customs in these respects vary with locality; and this difference of custom, added to geographical separation, has tended to break up the uniform character, if not the actual unity, of the tribe. The hill tracts of Mirzapur, where hill Mushéras dwell, fall into two well defined natural divisions:—(1). The northern table land, commencing from the scarp of the Vindhya range, and reaching southward to the summit of the Kaimur range; (2) the valley of the Son, bounded by the Kaimur on the north and the Sargúja on the south. The southern half of the Son valley is a wilderness of hill and dale, ravine and crag, desert and forest, with here and there a hill-encircled alluvial basin, and bears the names of Singrauli and Dudhi. Those Mushéras who dwell in the Singrauli and

Dudhi tract are the least civilized section of the tribe ; and they have as their immediate neighbours, on the south side of the Sargúja, the Korwas, a tribe as rude and backward as themselves. The degree of savagery attaching to the various sections decreases as we go northward ; the least savage being that on the outer edge of the Vindhya scarp, which separates the hills from the plains of Mirzapur. I cannot quite say that there are two distinct sub-tribes of hillmen corresponding to the two natural divisions of their country ; for no tribe or sub-tribe can (in the Indian sense at least) be considered as quite distinct, unless it debar itself, or is debarred, the right of intermarriage with other sub-tribes bearing the same name. In point of fact, however, intermarriage between the two sections is rare, and could not be practised except in places where the borders are contiguous, and where intermarriage might therefore be a convenience on both sides.

The largest and best section of the hill tribe is that which dwells in the northern table land, bounded on the north by the Vindhya scarp, and on the south by the Kaimur range. The fort of Pipri, from which, according to the legend, bands of Mushéras, under the leadership of Deosi, spread out into the Indian plains, lies in a secluded corner in the outer edge of this plateau. In the centre lies the "Kalwári" forest, so called apparently after the indigenous tribe of Karwárs or Khairwars, who with Mushéras, Savaris, and Cherus or Chandars make up the bulk of the inhabitants.* This table land was anciently called Kolána, or "the land of the Kols,"† a name evidently given to it by the people of the plains, whose domestic customs and religious rites differed so much from that of the hillmen, that they stigmatised them by the name of Kol or Pig.

Amongst the savages of the Singrauli tract, marriage proceeds on the principle of free love, qualified by cohabitation, which, if continued for a few months in succession, becomes a life-long monogamous union. There is no previous betrothal ; nor any intervention of parents. The maid is free to give

* The sudden appearance of such a name as Kalwar in such a wilderness gives some countenance to the derivation of *Kalwar* from *Karwar* or *Khairwar* which I hazarded in my "Brief View of Castes," and which my reviewer in the *Pioneer* considered fanciful and groundless. It is well-known, too, that the Kol tribe of Khairwar are adepts in distilling fermented liquor from rice.

† North-Western Provinces Gazetteer, vol xiv, 117. The modern name of a large part of this tract is Saktigarh. In the Gazetteer, Khairwars, Cherus and Savaris (Sioris) are specified among the inhabitants, but not Mushéras. Mention, however, is made of "Kols" in connection with the three tribes named. Many, or most of these Kols, are Mushéras.

herself to any young man, whom she may choose to accept, or who may be willing to take her as his partner. The marriage ceremony, or (to speak more correctly,) the thing which makes them man and wife and renders the union lasting, is the mere fact of living together within the same hut or cave for three or four months in succession. This is, probably, what we are to understand from Colonel Dalton's description of the Korwas of Sarguja, "that they have no marriage ceremonies," and from what the same writer says of the Savaris of Chutia Nagpur, that whatever ceremonial performances may take place afterwards, they have been preceded by "a private understanding between the contracting pair without intervention"* To this class of marriage we must ascribe the old Roman rite of *Usus*, and the old Hindu rite of *Gandharva*, which is thus described in *Manu* :—"The voluntary union of a maiden and her lover one must know to be the *Gandharva* rite, which springs from love, and has mutual desire for its purpose": the same rite at bottom, as that known in more recent Hindu poetry as *Swayamvara*, or "the free choice" of the maid, followed by a battle between the accepted lover and the disappointed suitors. † Up to within 40 or 50 years ago, it was common, in certain parts of England, among the peasantry and farm labourers, for a youth to cohabit with a maid for some months before marrying her since he declined to bind himself for life by the formal rite until he had seen proof that she suited him and was not infertile.

In the *Gandharva* state of society there is, of course, the risk that temporary unions, contracted in a thoughtless moment, may not end in permanent cohabitation. A maid may thus become pregnant, or give birth to a child, before she has been finally appropriated by some individual man. Among *Museras* of the *Singrauli* tract (as also amongst the *Tharus* of the Sub-Himalayan forest, where a similar but greater laxity before marriage entails a greater risk), the difficulty is solved by the eventual husband taking any such child as may have been born, or be about to be born, and rearing it as his own. A child conceived or born out of wedlock is invariably the property of the mother, and never that of the father, (even when the father is known), unless he comes into possession of the child by afterwards appropriating the mother. Thus, if the mother is subsequently appropriated by some man other

* Descriptive Ethnology of Bengal, p. 229, and p. 150.

† For the *Gandharva* rite of marriage, see *Manu's Code*, II. 32. The rite is so called from the *Gandharvas*, a class of demi-gods, who lived on terms of unbridled intimacy with the *Apsaras*, the courtizans of the sky.

than the father, the child, whom she has borne, or may be about to bear, is appropriated with her, and is taught to look to the putative father as its real one. Mushéra girls are more cautious, however, than Tharu ones in their relations with the other sex; and the desertion of a maid by a man, who has once taken her into his hut and made her pregnant, is condemned by the opinion of the tribe. Unchastity, or a change of lovers on either side, when once mutual appropriation has been made, is a thing of rare occurrence, and if proved before an assembly summoned to examine the case, is punished by the sentence of excommunication against the offender.

Among those Mushéras, who dwell in the northern table land, marriage is on a thoroughly regulated footing. It is invariably preceded by betrothal: and betrothal is generally contracted while the girl is still a mere child. It takes one by surprise at first to find that such a practice as that of child-betrothal could prevail among such a backward race; and the first impression one would form is, that the custom must have been borrowed from the Hindus. On second thoughts, however, there is reason to believe that the custom is indigenous, and was not borrowed from any outside source. In the first place, child betrothal is not followed by child marriage, as it is amongst Hindus; and this discrepancy could hardly have existed, if there had been any borrowing in the process. In the second place, there is a natural connection between betrothal and regulated marriage. Assuming (what is the case amongst Mushéras) that very great importance is attached to the betrothal contract, and that it is held to be binding even after the parents on both sides are dead, there is every reason why the father should seek, while he is still living, to have his daughter provided for against the uncertainties of his own life. Nor are examples wanting, in other parts of the world, in confirmation of this view. Thus among the Karens of Burma "children are generally betrothed by "their parents in infancy, and heavy damages are exacted "for the non-fulfilment of this obligation." In Japan "marriage "was usually preceded by a ceremonious betrothal, which was "more binding than such a ceremony is now regarded by "American law." In China, marriage contracts are sometimes entered into before the children are born, and such contracts are only broken when the children turn out to be of the same sex. Among the now extinct Negritos of Tasmania the wives were frequently betrothed to the husband from childhood, "and from the time of their betrothal became members of his "family circle, &c." In New Caledonia a girl is betrothed as soon as she is born to some one present on the occasion, "and

"when 7 or 8 years of age, goes to his house, and is taken care of by the family until she is older."* Examples to this effect, drawn from savage or semi-civilized life, might be multiplied. It is only in cases where the choice of the husband depends solely on the will of the maid herself (as in the now obsolete Hindu rite of *Swayamvara*) or where the woman is obtained by capture (as in the now obsolete rite of *Rákshasa*) or by simple purchase (as in the old Roman rite of *Coemptio*) that betrothal can be dispensed with as a preliminary to marriage. Wherever the rite of capture has passed from fact to form, betrothal must have accompanied, if not preceded, the change; or the game of capture would soon revert into a serious reality.

Great importance is attached (as we have said) to the betrothal contract by all Muserás amongst whom the custom exists. The father of the girl looks out for some boy or youth, to whom his daughter can be promised in marriage, when she is of the age of eight or upwards. Having made his selection or ascertained what boy the daughter herself might prefer, he goes to the hut or cave in which the father of the boy resides, and spends a day or two there as a guest. When both the fathers have consented to the union, a few mutual friends or acquaintances are summoned to act as witnesses. A *Pathári* or tribal priest is then sent for, and a small vessel of water is placed before him. Each parent, that is, the father of the boy and the father of the girl, then takes a grain of rice; and each, repeating the name of his own child, throws it into the water. If the two grains fall to the bottom of the vessel at the same spot, the omen is considered auspicious and the union is decided on. If they fall at some distance apart, the project is given up; and the father of the girl must go to some other household where, if he finds a suitable mate for his daughter, he must repeat the same process for testing the desirability or otherwise of the union. Cases of doubt as to whether the grains have fallen near enough to each other or not, are decided by the *Pathári*. When the betrothal has been agreed to, each parent produces a cup of rice-beer previously procured for the purpose; and each changes his own for that of the other. Both cups are then placed before the *Pathári*, who at this point repeats a form of words, enquiring whether it is intended by both sides that the projected union shall take

* Forbes' *British Burma*, p. 286, edit. 1878.

J. J. Rein's *Japan*, p. 624, edit. 1884.

Folklore Journal, July and September 1887, p. 226.

Proceedings of Royal Society, Tasmania, iii, p. 281.

Turner's *Polynesia*, p. 423.

Even among the savage and licentious Masais betrothal is practised :
See *Through Masai Land*, by J. Thomson, 1885, p. 93, and p. 113.

place or not. When both sides have answered aloud in the affirmative in the presence of the witnesses, and each has declared that in the event of his breaking the contract, when the girl is grown up and is ripe for marriage, he will be held guilty by his tribesmen and will expect the penalty of banishment, the Pathári first tastes the liquor himself and then distributes it among all the men and women present. After the rice-beer has once been distributed and drunk, the contract is sealed, and both sides are bound to keep it on penalty of excommunication, unless some really valid reason, such as leprosy, can be hereafter shewn. It is only by the consent of a tribal council, presided over by the Pathári, that such a contract can be dissolved. If the parent on either side avoids the fulfilment of the contract without such consent, he is driven out of the society of his tribe, and can only be re-admitted after a space of 12 years. This simple ceremony (it will be observed) is of a very different nature from that in force amongst Hindus. There is no buying or selling; no bargaining about the price to be paid for the boy, or that to be given by the other side; no exchange of gifts. It is sealed simply by the exchange and distribution of rice-beer, and by a declaration made on both sides in the presence of witnesses.

There are two facts which serve to explain the binding character of this betrothal rite. Firstly, in the Cheru or Chandel legend (described in the first section of this essay), the reader will remember that the distribution and exchange of wine cups was the ceremony, by means of which the disguised Ahir pedlar, who afterwards opened the gates of Pipri to Lorik, was admitted into membership with the Chérú tribe. Secondly, it is an article of faith among the Kol tribes generally, that the two first parents of the human race did not become acquainted with the art of multiplying their kind until they had derived their inspiration from the drinking of *illi* or rice-beer. The exchange of cups, then, between the two parents might be intended not merely to seal the future union of the youth and maid, but to foreshadow a fertile and prosperous marriage.

The ceremony of marriage follows that of betrothal at intervals which vary according to the age of the girl; for no girl is married before she is grown up, that is, before she is of the age of 12 or 13 at the earliest.* The marriage ceremony

* On the early development of girls born in the tropics, whether in India or elsewhere, see Baron Von Hubner's *Through the British Empire*, Vol. II, p. 376. In describing a dancing girl, he says: "I should have put her at 18 years of age. But she was really only 13." In Japan, where the climate is similar to that of Southern Europe, girls are married at 16.—See *Unbeaten Tracts of Japan*, by Miss A. Bird, Vol. I., p. 318.

is usually performed in the months of Magh and Phágun (January and February) in the cold season, or in the months of Baisákh, Jeth, and *Asárh (April, May and June) in the hot. It rests with the youth to make the first proposal to the girl as to the day to be selected for the performance of the ceremony. In choosing this day no account whatever is taken of the difference between lucky and unlucky stars, as is the invariable custom amongst Hindus, that is, amongst all those tribes and castes of the Indian continent who are living under Brahmanical influence, and can pay a fee to the Jyotishi or Astrologer.

The mode in which the youth gives notice to the girl of his desire to have the marriage celebrated is by sending her some sweetmeats and a piece of cloth. This is not so much a wedding present, as an invitation to her to come to him. If the girl keeps the present, it is understood by him that she accepts the invitation and is ready to start. But if she returns the present, he understands that the marriage must be postponed. No words or messages pass between them: all is conveyed by symbol, and by symbol only. Similarly in China, the wedding day is notified symbolically by means of certain gifts which the youth sends to his affianced bride. He sends her a goose and gander, some wine and fruits, and a marriage robe. If she keeps the goose, but sends back the gander (the latter bird being emblematic of herself as the mate of the goose), this signifies to him that she is coming, and that immediate preparations must be made for receiving her: whereas, if she retains the gander, this indicates that she intends to withhold her company from him for the present.* But without going so far away as China, we may note that, if allowance is made for the change of place between bride and bridegroom, there is a parallel in the Hindu marriage customs, which is known as *Aipanwári*. This is the ceremony by which the youth, while he is on march towards the maid, and has nearly reached her dwelling, sends to her, through the family barber, a cup of crushed rice mixed with turmeric to indicate that he is on the way and is to be expected.

The marriage ceremony practised by Hill Museras bears no resemblance whatever to that practised by Hindus. The bridegroom does not go to the bride's house, but the bride goes to his. She is not carried off in a dooli, screaming and wailing, by her quasi-captors; but walks on foot, smiling and laughing, to the home of her betrothed. The ceremony which ties the marriage knot does not consist in the bridegroom leading her seven times round the pole, or in rubbing a streak of red

lead in the parting of her hair. All such forms are entirely foreign to the Mushérá ceremony wherever this is performed in its genuine character, as it still is among those who have kept to their native hills and forests.

The ceremony is on this wise: The girl sets out to the house of the affianced bridegroom, accompanied by her parents, or by any other male or female relatives who may be invited to go with her. Previous to their arrival at the bridegroom's hut, a fowl's egg is placed at the entrance. The youth to whom she is to be married then comes out to receive her. The girl is presented to him by her mother. Taking her by the hand, and holding her hand firmly in his own, he leads her up to the mouth of the hut, and breaks the egg with his foot. On his completing this act (which he can only perform while he is holding her hand, so that it may be considered a joint action), the company present raise a simultaneous shout of *ku*, which means "hurrah." By holding her hand firmly in his own, he signifies that he has accepted her. By breaking the fowl's egg with his foot, while he is in the act of holding her hand, he signifies that he has renounced all desire for any other woman; and she by allowing him to hold her hand while he performs this act, signifies to him and to the company that she on her part has renounced all desire for any other man: for the fowl, it will be remembered, is an animal which Mushérás do not rear, and which they avoid almost as scrupulously as the horse. The girl is then made to enter the hut, the youth directing her to the door. On entering the hut she takes hold of the feet of the youth's mother and touches them with her forehead, signifying by this that she intends to do honor to her son, as his wedded wife. The mother-in-law then gives her her blessing in the following words, some of which are of Hindi, and others of the Mushéra language:—

Bhú magnú maharin hito solágin ramali kanto rasa kiv.

"Remaining in the blissful state of marriage do thou give "delight to thy husband." The youth then leaves the hut, the bride remaining with her newly-made mother-in-law. This closes the first part of the ceremony.

The next part begins with the cooking of a kind of rice (which in the Mushéra language is called *kutkí*) into a paste or gruel thin enough to be drunk. This decoction is poured into cups made of the leaf of the Mahul tree, one cup being provided for each adult present, including the bride and bridegroom. Here it should be understood that rice is the sacred grain among several of the Kol tribes, a sanctity which it shares with barley in Hindu or Brahmanical marriages.* When

* No sanctity attaches to wheat in Hindu marriages. But rice and barley are indispensable in such ceremonies, and little branches of mango.

the rice-paste or gruel is ready and each Mahul cup has been filled, the company are made to sit round in a ring, and the bride is brought out of the hut, and made to take her seat in the middle with the bridegroom. The bridegroom then kisses her on the mouth, in token that he is to be her husband: and she in her turn kisses his feet and strokes his back up and down with her hand, in token that she is to be his and will tend him as a dutiful wife. This ceremony is called *mukhra chumba* (kissing the mouth), or *munh dekhna* (seeing the face), or *kar pherna* (moving the hand up and down.) When the pair have given this public token that each has accepted and appropriated the other, the cups are distributed, one to each person; and every person present, including the bride and bridegroom, swallows the contents of his own cup. Immediately after this the following couplet is repeated in unison by all the company, excepting only the bride and bridegroom themselves, to whom the words are addressed:—

*Kutki ki pich banāi mahul kā daunā,
Bodi bodā byāh bhyau lena na denā.*

"The rice-paste has been prepared in the Mahul cup; the maid and the youth are married,—no giving or taking." Then there is a general shout of *ku* or "hurrah," which means that the ceremony is completed. "Now, see how easily a boy and girl can be married," said a high caste Hindu to me with mixed feelings of surprise and envy when he heard the account of this simple ceremony, contrasting as it does so forcibly with the complicated, costly, priest-ridden, and star-obstructed formalities of the Hindu marriage rite. In the last few words of the formula quoted "no giving or taking," there is evidently an allusion to the bargaining practised by Hindus or others, from which Mushéras have kept themselves clear.

On reviewing the above details the question arises, what is the binding part of the ceremony? or in other words, what part or parts could be omitted without rendering the marriage invalid or incomplete? It seems most probable that each of the two rites described above was originally a complete marriage ceremony by itself, but that they have now been so long associated in practice that neither could be safely omitted. The blessing pronounced by the bridegroom's mother on the bride at the close of the first rite, implies that she (the bride) is now fully married:—"Do thou give delight to thy husband."

Wheat is no where, nor are any other grains but rice and barley recognized at such times. Barley is frequently alluded to in the Vedas, as the food of the Aryas. Rice and mango in the wild state are indigenous to India. The most natural inference to be drawn from this is, that wheat found its way into India at a later date, but was unable to deprive the older grain (rice) of its already acquired sanctity.

Similarly the words spoken by the witnesses, at the close of the second ceremony, imply that there is nothing left to complete the validity of the marriage. "The rice-paste has been eaten; the youth and girl are married: hurrah." What gives the binding force in the first ceremony is the joining of hands while the groom breaks the egg, and the formal reception of the bride inside the bridegroom's house or hut,—the *deductio in domum*, as the Romans would have called it, from a parallel ceremony of their own. What gives the binding force in the second ceremony is the fact of the bride and bridegroom eating together some rice-paste or gruel cooked in the bridegroom's own fire; and this the Romans would have identified with a marriage rite of their own, known as *confarreatio*.

One salient fact to be noticed in connection with these ceremonies is the prominent part taken by the mother on both sides. On the side of the bride, it is the mother and not the father who formally presents her to the intended bridegroom. On the side of the bridegroom, it is the mother, and not the father who formally receives the bride into the hut and pronounces a blessing over her. The prominence here given to the mother is well in keeping with the legend which traces the origin of the tribe not to a male, but a female ancestor, Savari or Banaspati: and if we pass from legend to existing facts, it may be regarded as the natural sequence to the Gandharva rite still practised (as we have shown) among a considerable section of the tribe, by which the child is in certain cases the property of the mother before it can become that of the father. A similar survival of matriarchy is seen in the marriage rite of the Kur or Kurku tribe living to the east of the Sarguja range, and therefore in close proximity to Mushéras: "The bridegroom's party on arrival at the bride's house is now received by the bride's *brother*, who appears with "offerings of water and food: the bridegroom dismounts and "seats himself on the ground, and the bride's *mother* coming "forward, stuffs between his jaws five mouthfuls of cooked "food. She then washes his mouth, gives him a kiss, and "invites him to go inside," &c. Another instance is furnished in the marriage rite of the Savaris, the actual kinsmen or ancestors of Mushéras: "after the bridegroom has made his election "the following gifts are bestowed in his behalf: to the girl's "father, a bullock; to the *maternal* uncle, a bullock; to the *mother*, "one rupee and a cloth." In this ceremony of purchase, then, (which the Romans would have recognized as a mode of *coemptio*), the mother's brother and the mother herself receive separate gifts independently of the father, who is treated as if he were a person apart, and not strictly as one with themselves. Similarly among the indigenous tribes of Australia,

"the mere surrender of the girl *by the mother*, with the full "consent of the rest of the tribe, to her future lord," constitutes the marriage ceremony: this, in cases where the woman is not procured (as she often is in Australia) by stealth or capture. *

In almost every tribe or nation the marriage ceremonies are accompanied with some act of worship suitable to its own characteristics of creed or custom. It is needless to allude to the religious character of the rite or rites observed throughout all Christian countries. The Greeks paid worship on such occasions to Zeus and Here, the supreme pair, and to the local deities of the state or village in which the married pair resided; the Romans to the Di Penates, or household gods, that is, to the souls of deceased ancestors; the Hindus pay worship, either by symbol or act, to the souls of ancestors, to the cooking place and the cooking vessels, and after the bride has been brought to her new house to the village god: the Chinese pay worship to heaven and earth, to the tablets of deceased ancestors, and to the god who presides over the kitchen. Mushéras, in like manner, pay worship to Deosi, the male ancestor and founder of their tribe; and sometimes a piece of cloth with some sweetmeats is set aside in honor of Savari, their more remote female ancestor, or to mother Banaspati, their great goddess and protector. In the worship of Deosi, it is again the mother of the bridegroom who acts as priestess and sacrificer; and again it is rice which is used as the sacred grain.

The first act in this worship is to take some unhusked rice, remove the husk with her own hand, grind the grain, mix it with water, knead it, and cook it into a pancake. All this, and whatever follows, must be done with the right hand only. The pancake so cooked is then besmeared with honey,—the wild honey which Mushéras are so clever in collecting from the woods, and which is therefore a fit offering to the deified ancestor, from whom they learnt the art. Taking this pancake with her, together with some rice-beer, a piece of yellow cloth, some more honey, some wild fruits and flowers, some dūb grass, and a live kid or ram, she proceeds to the clay figure or mound intended to represent Deosi. There, after sprinkling some river water in front of the figure or mound in order to

* For the Kur or Kurku rite, see Dalton's *Ethnology of Bengal*, p. 234. But this rite, as the author's description shews, has now been wedged into the middle of the Hindu rite of *Bhauri*, with which it is evidently quite out of keeping. For the Savari rite, see p. 150. This Savari rite relates to betrothal or what precedes marriage rather than to marriage itself. This, however, does not affect the question, since the marriage ceremony is performed immediately afterwards. On the subject of Australian marriage, see *Trans. Ethno. Soc. New Series*, III, p. 248.

purify the spot (for Mushéras, like Hindus, are worshippers of rivers and believe in the purifying influence of their waters) she deposits all her offerings, except the kid or ram, on a plate or plates made of mahul leaves. She then strikes pure and new fire by the sacred process of rubbing one stick on another, and with this fire she cooks the offerings. Her object in thus cooking the offerings is to enable the deified Deosi to inhale the scented smoke, a vaporous invisible being like Deosi being not fit to inhale any but vaporous substances. She then decapitates the goat with a single blow of the axe, and places the bleeding uncooked head as an offering of blood and life before the image. Then touching the earth with her forehead she repeats or sings the following four lines, every word of which except the second is in the Mushéra language :—

Deosi báhá hit timro magnu maharin Indra hadariya potis ri
Boglo pokhá dudhali chimlá nibéi hit timro boglo pokhá ri,
Popaki imiviyá chimlá chimli thammo ri
Kemali Indra hadariyá hutmu chimlo teplis kero ri.

"Come into this world, O Father Deosi, from the palace of Indra. Eat food cooked by the mother of the bridegroom; come and eat this food. Having eaten these offerings bestow thy blessing on the bride and bridegroom; then return to the palace of Indra, O ancestor, and behold (again) the "dances of the dancing girls." The singing or intonation of these words completes the ceremony. The carcass of the victim is then carried back to the hut, where it is cooked in the evening for the marriage feast with which the day is brought to a close. The only part taken by the father of the bridegroom in these proceedings is that he helps to eat the goat, and is apt to take more than his fair share of the rice-beer provided for the feast. The bride and bridegroom are the most honored guests in this banquet, and the festivities of the day generally close with some singing and music after Mushéra fashion. Next morning the newly wedded pair quit the parental hut or cave and go out into the forest to seek their fortunes together and found an independent home.

Thus far as to the marriage rites of Hill Mushéras. Mushéras of the plains (in which class we include both Bindrábani and Dolkárhá) have not retained these rites in their purity. In the first place they recognize, as Hindus do, but as their hill ancestors do not, a difference between lucky and unlucky days. Having lived for centuries in the near vicinity of Hindu village life, (not actually inside the villages, but in some patch of jungle on the outskirts), and having observed how intensely careful all classes of villagers are to make sure that the day fixed for the marriage is a lucky one, they have themselves as a matter of necessity become slaves to the same superstition.

But as they cannot consult or see the Astrologer (Jyotishi), they find out the day and hour on which some high caste marriage ceremony is about to be performed, and select their own day and hour accordingly. In the second place, as regards the manner in which the marriage rite is performed, there is no saying how much or how little of the ancestral rite is observed, or whether in some cases the said rite is not set aside altogether in favour of the Hindu *Bhaunri* which consists in the circumambulation of the marriage pole by the youth and maid with joined hands or joined garments. There are, however, four points which bear the stamp of genuine Mushéra custom, however much the marriage ceremonies may deviate from this in other respects:—

(1.) There is no *hardt* or procession of males to the house of the bride. The bride goes herself to the hut of the bridegroom, accompanied by her parents, and without any weeping or wailing indicative of pretended capture.

(2.) One of the names for marriage among village Mushéras is *khichri pakāna*, that is, "cooking rice and pulse together." Evidently, then, it is the act of cooking rice together at the same fire and eating it from the same leaf-plate, which gives binding force to the marriage union, as the eating of rice-paste does in the case of hillmen.

(3.) The mother of the bridegroom, and not a Brahman, is usually the matrimonial priest. It is true that here and there some Brahman of a very low type, or some man who has assumed this title, will consent to act as purohit or family priest to Mushéras both for marriages and for other domestic rites. But such cases are rare; and the answer given by a Mushéra villager in Gorakhpur, in reply to the question whether or no Brahmans were employed in their marriage rites, was clear and decisive: "To us, our mother is the Brahman."

(4.) In the songs which follow the completion of the rite, the bridegroom is presented by his mother with the tribal tool, the *gahādāla*, and told to go out and seek his living in the forest as his ancestors have done before him. Here is a specimen of a marriage song sung by the mother of the bridegroom and by the other women present, the language of which is Hindi: for in village hamlets the Mushéra language is no longer heard:—

*Suno, Suno ré dulhé ramā,
Kichli ka pag bāndhun,
Hath men gahādāla deun,
Khechwi gopalu deun
Kedarī ka ban deun
Jao re khano tu,
Ban men ahera karo.*

"Listen, listen, O bridegroom. I bind a turban of snake-skin (on thy head.) I give a *gahddā* into thy hand. I give thee tortoise and frog. I give thee a forest of plantain. Go thou and dig (for roots,) and hunt (wild animals) in the forest." This gift of a piece of forest, conferred simultaneously with the gift of a *gahddā*, exemplifies (what we stated above, in describing the industries of the tribe), that even in the Indian plains, where every scrap of land, whether arable or jungle, is the lawful property of some village landlord, they still cherish the fiction, that the forest is their own, and parcel it out among their children with the most unquestioning faith in their proprietary rights. So, too, of the Vedda's of Ceylon it has been said:—"The father of the bride presents his son-in-law with a bow; his own father assigns him a right of chase in a portion of his hunting ground."*. Here the gift of the bow may be compared with the gift of the *gahddā*, while the gift of a piece of forest is the same on both tribes, except that amongst Mushéras the donor of both gifts, according to the song, is the mother.

Having thus sketched the details of the Mushéra marriage rite, we have now to ask, what kinds of unions are held to be legitimate? What are the degrees of consanguinity between the contracting pair, within which marriages are not considered incestuous? The answer is very simple. On the mother's side a girl cannot be given in marriage to the son of her mother's sister or of her mother's brother. On the father's side, she cannot be given to the son of her father's sister or of her father's brother, or to the son or grandson of any of her father's aunts or uncles. Thus, on the mother's side, the prohibition goes back to only one generation, and on the father's to two. No marriages outside these limits are accounted incestuous. The greater respect shewn for male above female relationship is not inconsistent with the important part played by the mother in the ceremonies of marriage. For it is quite possible that matriarchy can survive in form in the celebration of domestic rites or in various other ways, even after it has been superseded by patriarchy in fact, that is, in the practical usages of every day life. The reader will remember that amongst Mushéras it is the betrothal contract which fixes the fate of the boy and girl for life, and makes them man and wife prospectively; and that this contract is made by the fathers, not by the mothers, on both sides. What follows is a series of formalities already predetermined, in which the mother continues to play the conspicuous part which a long established tradition has assigned to her.

* Sir Emerson Tennent's Ceylon, Vol. II, p. 241.

Amongst Hindus, as amongst Mushéras, the bar to marriage is stricter on the male side than on the female ; but here the parallel ceases. For Hindus carry the restriction on both sides to an excess, to which Mushéras are entire strangers. Here, the prohibition on the mother's side extends theoretically to the fifth (practically to the third or fourth) generation ; while on the father's side it embraces a widely extended group of agnatic kinsmen, which, in the language of ancient Rome, was called a *gens*, in the language of tribes is called a clan or sept, and in the language of Indian castes is known as *gotra*, or *kul*, or *bansh*,—a *gotra* by Brahmans and their imitators, a *bansh* by Chattris, and a *kul* by the inferior castes. Thus amongst Mushéras the prohibited group on the male side is a small circle, bounded by the generation of the grandfather ; while amongst Hindus it embraces a large ancestral clan, all members of which are supposed to stand to each other in the relation of brother and sister, between whom therefore a connubial connection would be incestuous. The name of the ancestor, saint, or leader, after whom the clan is called, may be lost in legend ; and his very existence may be a fable. But all who bear his title must regard each other as blood relations between whom no intermarriage can be permitted.

Among Mushéras of the Singrauli tract (who, as we shewed above, constitute the most savage section of the tribe, having no betrothal ceremony, and no marriage rite beyond the simple fact of cohabitation), the consanguineous bars to marriage are much fewer than among the rest of the tribe. Here the only bar founded on consanguinity is the relationship of mother and son, father and daughter, brother and sister, and half-brother and half-sister. Nothing outside these limits is accounted incestuous. We are thus brought to the very edge of that primeval condition of society in which promiscuity reigns supreme, where brothers can be married to their sisters, fathers to their daughters, and sons to their mothers ; instances of which unions may still be found in one form or other among the Veddahs of Ceylon, the Karens of Tenasserim, the Sandwich Islanders, the Malagasies, &c., and are known to have occurred among the Peruvians, the Iranians, the ancient Egyptians, the ancient Greeks, and the ancient Norse.

Thee bright haired Vesta, long of yore,
To solitary Saturn bore :
His daughter she : in Saturn's reign
Such mixture was not deemed a stain.

Il Penseroso, 23—6.

Among Mushéras themselves the tradition of marriage unions between brother and sister is not wholly extinct : for

it has survived, as the reader will remember, in the legend which traces the origin of the tribe to the union of a brother and sister, the Savar and Savari, born as twins from the maiden in the hermit's hut whom Shiva disguised as a Savar impregnated with a glance from his prolific eye.* Thus, the further we go back in the history of our race, the nearer do we get to that state of primeval promiscuity, more or less absolute, out of which the various forms of marriage rites, the different bars to marriage founded on blood relationship, and the distinctive titles and meanings attached to the various degrees of consanguinity, have been fashioned by the slow progress of the race.

The careful investigations made by Mr. H. H. Risley into the structure and working of the marriage groups prevalent among the chief Kolarian tribes of Chutia Nagpur (a plateau lying chiefly to the east of the habitat of Mushéras, Korwas, and their congeners) have lately thrown fresh light on the fact that the said tribes are parcelled out by means of totems, into a well defined system of exogamous septs or sections, which go by the male side only, and which therefore place the same restrictions on marriage, so far as *male* kinship is concerned, as the Gotra, or Bansh, or Kul, prevalent amongst the various Hindu castes of the north India plains; while, so far as *female* kinship goes, the said tribes are not debarred from contracting marriages "which the average "Hindu would regard as incestuous"† Now, as regards the prohibited and permitted degrees of relationship on the mother's side, the case of Mushéras is (as has been shewn already) on much the same footing as that of the Santhal, Bhumij, Mahili, and other tribes described by Mr. Risley: and since these tribes are of the same Kolarian stock as the Mushéra tribe, it might have been expected that Mushéras would be subject to the same restrictions on the father's side also, through

* The reader need not be reminded that the same indifference to incest underlies the Biblical account of the descent of the entire human race from a single pair. A curious parallel to this is furnished by the Kol doctrine of the origin of the different nations of men. According to this the first parents produced 12 sons and 12 daughters, each male then paired off with a female. The first and second pair fed upon beef and originated the Kols.—Colonel Dalton's *Ethnology of Bengal*, p. 185.

† *Asiatic Quarterly Review*, July 1886, Article III. The same fact had been noted in the case of the Hos, Oraons, and Santals by Colonel Dalton—*vide* *Ethnology of Bengal*, p. 189. "The Mindá is, like the "Oraons, adopt as their tribal distinction some animal, and the flesh of "that animal is tabooed to them as food, as the eels, the tortoise." Here the tribal distinction is evidently a clan or sept, distinguished by a totem. Colonel Dalton's remarks on the exogamous clans of the Oraons are given in p. 254.

a similar system of sub-division into totemistic exogamous scpts. Of this, however, I can find no trace whatever. Among Mushéras the limit on the male side, within which a man may not marry, consists (as we have shewn) simply of the small family group bounded by the generation of the grandfather, and as such groups must be constantly changing with the death of the grandfather and his generation, there can be no tribal distinctions or clans by which endogamy is barred. Colonel Dalton has observed the same fact amongst the Korwás, the nearest neighbours to Mushéras and their co-equals in point of culture. "I could not find that the hill Korwás had, like their cognates, any tribal distinctions by which restrictions on intermarriage were imposed" *.

The Mushéras of the plains have retained to this day, the same characteristics in this respect as their brethren or rather ancestors in the hills. Though they have lived for centuries amongst Hindu castes, many of whom have contracted within their ranks a well defined system of agnatic exogamous clans called by distinctive names, yet they have never learnt to sub-divide and parcel out their own community on the same principle. There is the same absence of tribal sub-divisions, the same indifference to blood relationship beyond the generation of the grandfather, which has marked them from the beginning.

In short, the Mushéra tribe, wherever we find it, is intensely endogamous. Not only does a village Mushéra invariably marry a village Mushéra, a Dolkárha a Dolkárha, and a Hillman a Hillman, but within each of these limits a man prefers to take a wife from his nearest neighbours to seeking one from a distance. Though a family will frequently move their hut from one place to another according to the season of the year or on other grounds of convenience, yet they never migrate to a distance, or leave the jungle, hill, or river bank on which they were born, unless necessity compels them to go elsewhere in search of a subsistence. In fact, it is against the rules of the tribe for a man to hunt for roots or vermin outside his own jungle or within another man's so-called proprietary rights; and hence his peregrinations in search of a wife are not likely to take an extensive range. Again, there is not a trace of even the form of wife-capture in any of their marriage rites; from which it may be inferred that exogamy or the desire for distant marriages was never known amongst them. On the other hand, the preference for their own people and for nearest neighbours to more distant ones has tended to perpetuate the practise of marriages

* Ethnology of Bengal, p. 229.

close of kin, which by most communities in India would be regarded as incestuous.

Side by side with this attachment to endogamy, we find an equally keen adherence to the principle of monogamy, or the union of one man to one woman,—the only type of conjugal union which is practised or even tolerated in any section of the tribe either in the hills or plains. There is not a trace, among their marriage customs, of any of those forms of conjugal communism which Mr. McLennan would have us believe are the invariable necessary stages through which *all* tribes and nations have passed or must yet pass, before they can reach the final goal of monogamy. Any other form of union than that of individual appropriation they regard with a disgust amounting to a superstition; and it is difficult to see how any other form of marriage could ever have existed among a people broken up, as the Mushéras are, into minute social aggregates, consisting sometimes of a single family, and never of more than three or four families at a time. They have no taste for the Hindu custom, by which married brothers live together in the same house as one family. When a young man marries, he at once leaves the parental roof with his partner; and the two go out “hand in hand” into the forest in search of a subsistence, as our first parents “took their solitary way hand in hand” when driven out of Paradise. Their married state is that of the wild beast in his den, with only this difference, that the union of the male and female (once possibly as temporary as among the beasts,) is enduring and life-long. Theirs is not the union of the Andamanese, of whom it has been said that “the man remains “with the woman until a child is born and weaned, and then “seeks another wife,” but of the Veddahs, of whom an eye witness has testified, “that death alone separates husband and wife.”*

After what we have just written, it is almost needless to add that divorce, except for the one offence of infidelity, is not practised or tolerated. Such an offence very rarely occurs; and the habitual chastity of one partner ensures that of the other. If, however, a wife is accused of unchastity by her husband, and has been declared guilty by the assembly, her position is one of great difficulty. No married man can take her in addition to his own wife; for bigamy is disallowed. No unmarried man or widower can take her of his own free will without incurring the penalty of excommunication. A man cohabiting with such a woman could of course retire with her and live in a state of isolation, in the corner of some jungle

* On the Andamanese, see Transactions of Ethnological Society, New Series, Vol. V., p. 45. On the Veddahs, see Vol. II, p. 292-3.

as some couples do from choice; but if he sought to ally himself to one or two other households for mutual aid and protection, he would for sometime be rejected altogether, and could only obtain admission at last by incurring what to him is the heavy penalty of banqueting the other households for several days in succession. The separation of man and wife is so much disliked and discouraged by tribal opinion, that a wife cannot be divorced except on the most direct proof of guilt, or by a successful appeal to some ordeal, if the accuser is rash enough to expose himself to such an uncertain test. Frivolous charges or unprovable suspicions, if the husband is so imprudent as to bring them before an assembly, are dismissed with contempt, and the accuser is hooted for his pains.

Supposing, however, that unchastity is proved, and a sentence of divorce is pronounced by the assembly, the ceremony by which divorce is effected is as follows: An earthen pot is placed between the husband and wife, and an assembly is called to witness it. After it has been lying there sometime, the man gets up and breaks it with the tribal tool, indicating thereby that the union between them is broken beyond repair. This ceremony is called *khapar kuchi*, or breaking the pot.

If a wife becomes a widow, while she is still young enough to re-marry, she has no claim upon the younger brother of her deceased husband, nor has he upon her. If she comes to terms with some widower who desires to re-marry, the union is sealed by their simply eating and drinking together in the presence of witnesses, who are invited to share in the repast.

The burial customs, to which we now turn, relate partly to the disposal of the corpse, partly to the laying or pacifying of the ghost, and partly to the purification of the living. There is more variety among these customs than in those relating to marriage, and the variations go with locality.

Mushéras of Singrauli (whose marriage customs, it will be remembered, are the rudest in the tribe) simply leave the corpse in the place where the man or woman died. If he or she died in the jungle or in the open air, they cover the body with leaves and bushes, and go away. If he died inside his cave or hut, no other covering is considered necessary. The place is thenceforth abandoned by the survivors, who take no relic of the dead with them when they migrate to another part of their hill or jungle. There is safety, as they believe, in this precaution. For, if they took with them a limb or bone from the dead man's body, the ghost would probably follow, and they cannot be sure that its company would be more to their benefit than to their injury. Their safest plan, then, is to leave the corpse intact on the spot where the departed breathed his last, trusting that the ghost will not forsake the vicinity of the body

in which it lately resided : *tumulum circumvolat umbra*. The burial rite, if we may call it so, of these Mushéras is on a par with that of the Veddahs of Ceylon, of whom it has been written that, "they do not even bury their dead, but cover them "over with leaves and brushwood in the jungle."*

Mushéras of the Son valley proper have a ceremony almost as rude. They simply throw the corpse into the river or its nearest tributary. The body floats in the water and is carried out of sight, until at last perhaps it may reach the Ganges ; which river is regarded by many of the Kol tribes with a respect equal to that paid to the Son. The custom of river-burial is exemplified in what Dr. Oldham has recorded of a Savari woman whom he accidentally met with in the Ghazipur district. Her husband had died on the march, and she had carried his bones in a sack for over a hundred miles, in order to throw them into the Ganges. † Water burial must be a very ancient custom in the Mushéra tribe ; for this, according to the legend, was the way in which the corpse of Deosi himself, the reputed founder of the tribe, was disposed of. When Sanwarjit, the son of Sanwar, had shot him dead with an arrow, a discussion arose as to what they (the conquerors) should do with the body. They at first thought of simply leaving it on the spot where he died ; but afterwards decided that his ghost would be better pleased, or would flit away to a safer distance from themselves if the body were thrown into the Ganges. So the corpse was dragged to the river and thrown into it.

Mushéras of the Kalwári forest have retained the water ceremony, but have made some approach towards cremation also. They carry the body to the river bank, and having washed it in river water, tie a cloth made of cotton or of deodár bark fibre round the loins. The corpse is then laid on the ground, with its face upwards, and the head towards the north, the region of Indra, to which it is hoped that the soul will take its flight. The spot on which the head and feet were laid is marked off for the purpose of paying future obsequies. The son of the deceased, or if there is no son, his brother or brother's son or other male relative next of kin, then takes a handful of straw (rice-straw if possible), and placing it on the face of the dead body, sets fire to it. The face is merely singed ; but it has had the contact of fire, the great purifying element, so much used in all parts of the world in lustral ceremonies. The chief mourner then takes the body by the feet, and using all his strength, throws it into the river. In this simple rite we see the germs of the Hindu ceremony of cremation followed by that of immersion—

* Sir Emerson Tennent's Ceylon, Vol II, p. 422.

† Dr. Oldham's Memoirs of the Ghazipur district, p. 50.

a rite in which the Vedic custom of cremation and the indigenous custom of water-burial appear to have met each other from opposite directions—thus giving rise to the composite ceremony which Hindus now practice. Among Mushéras, as amongst Hindus, the contact of fire is interdicted to persons who have died of small-pox: for small-pox is believed to be of the same substance with Sitalá, the goddess who presides over this dreaded malady, and it is thought that by burning such a corpse they will be burning or otherwise offending the goddess herself. The same interdict applies to persons who have died of cholera, and for similar reasons.

Mushéras of Pipri and the surrounding country practise a rite in which earth sepulture is the leading characteristic, but qualified by some show of water-burial and cremation: and this composite rite, as far as I can learn, is of frequent practise among Dehati or village Mushéras, wherever they may be found. The body, as above, is washed in river water, and the loins are bound round with a cloth of cotton or deodár bark fibre, and fire fed with rice-straw is put in the face. The corpse, however, instead of being thrown into the river, as in the preceding rite, is deposited by the chief mourner in a tomb about two yards long and one broad, the earth having been excavated for this purpose with the tribal tool, the *gahádá*. The face, as above, is placed towards the north. If the deceased was a man, the body is laid on the right side of the tomb; if a woman, on the left. On enquiring the reason of this distinction, I was told that man and woman were originally a single body, just as now man and wife are one flesh, and that the right or stronger half belonged to the male, and the left or inferior to the female; it was further explained that when the two halves split asunder, each half became a whole and perfect body, one a complete man, and the other a complete woman, and that the primeval pair thus formed were the first ancestors of mankind. The reader will observe the curious parallel which this explanation presents to the Biblical description of the process by which Eve was formed out of a rib of Adam taken from his left side while he was asleep. It bears an indirect testimony, too, to the value attached by the Kol tribes to the monogamous principle, on which we have already dwelt. It is further exemplified by the popular Hindu representation of *ardháng rup*, the half-limbed figure, in which Mahadev and Parvati (the two divinities whose mutual attachment as man and wife is the theme on every tongue) are brought on the Hindu stage as a single body. A kind of curtain is suspended down the middle of the nose and reaching to the feet, by which the entire body is divided into two equal parts. On the right side is a half figure of Mahadev with snakes

for his hair, a moon drawn on his forehead, a snake round his neck, ashes on his face and skin, &c., while on the left side is a half figure of his wife, Parbati, dressed out in contrast as a handsome and attractive woman, and bedecked with jewels and ornaments.*

One more burial rite remains to be told, being a development from the one last described, and, like this last, frequently practised by village Mushéras. They leave the corpse in the ground for six months after sepulture, committing it to the care of their guardian goddess, Banaspati; at the close of the six months the remains are taken out of the earth and burnt, and the ashes are thrown into the river. The cremation ceremony that is now performed is called lakhári. Some of the lowest castes of Hindus,—those that are still halting between the custom of earth-sepulture, handed down from their ancestors, and the rite of cremation as taught and practised by Brahmans,—adopt a similar compromise, burying the corpse in the earth for the first six months and then disinterring and burning what remains of it. Those tribes or families who practise this ambiguous rite commit the body during the six months of sepulture to the care of the earth-goddess, Bluiyán, (so commonly worshipped by the lower castes), just as Mushéras commit it to the forest-goddess, Banaspati, Bansatti, Bānsuri, or Bandevi.

The conclusion suggested by a review of the above varieties is that water-burial and earth-sepulture were both practised by the indigenous races before Brahmanism had come into existence, some tribes preferring the one and some the other, while cremation was of purely Brahmanical origin. No respectable Hindu caste will bury its dead in the earth; for not only is the earth considered an impure element, but earth-burial has now become one of the badges of distinction between Hindus and Mahomedans. There is scarcely any Hindu caste, however, which will object to water-burial, when cremation cannot be carried out; and even after cremation the ashes are invariably thrown upon rivers. For water, in the teaching of Brahmans, is next to fire, the purest and most sacred of the elements.

When the corpse has been disposed of according to the mode of burial preferred by each sub-tribe, section, or family, something has yet to be done to pacify the departed spirit and help it on its way to another world. To this subject we now turn. Mushéras of Singrauli do nothing in this direction. Having left the corpse on the spot where the man or woman

* Sometimes, too, in the stone images graven in honor of Mahadev and Parbati, the two are made a single body, the right half going to Mahadev and the left to Parbati.

died, they go away (as we have shewn) to some other place, trusting that, as they take no relic of the deceased with them, the ghost will not follow. All other Mushéras are careful to perform obsequies to the dead ; but the nature of the obsequies varies according to the mode in which the corpse is disposed of.

Mushéras of the Son valley (who dispose of the corpse by simply throwing it into the river), make an offering of food and water every day, for some nine days in succession, at the foot of a deodár tree,—the nearest one they can find to the spot from which the body was thrown. The soul of the dead is believed to reside in this tree, so long as the obsequies are continued ; and from this tree the ghost descends to receive the offerings. The offerings are usually made at midday and are presented by the chief mourner, that is, by the man who threw the corpse into the river. They consist generally of cooked rice mixed with honey, the flesh of tortoise, and the eggs of tortoise, the flesh of the *goh* or lizard, the flesh of the *sáli* or porcupine, the flesh of the boar, the flesh of the *kekra* or river crab,—all kinds of flesh in fact which the man or woman while living considered a luxury. Different offerings are presented on different days ; not all at once.

Mushéras of the Kalwári jungle (who before throwing the corpse into the river lay it decently out, cover the loins with cloth, place the head towards the north, and put fire in the face) perform the same kind of obsequies as the preceding, but with more system and formality. Instead of presenting the offerings at the foot of a deodár tree, they present them at the spot on which the body was laid out before it was thrown into the river. For the first four days the offerings are laid at the *south* end of the spot,—that at which the feet of the deceased were laid—and the offerings during these days consist of rice-beer, rice-pancakes mixed with honey, the flesh of tortoise, and the eggs of tortoise. At the time of presenting the offerings, the mourner repeats the following words, all in the Mushéra language :—

*Timro. hutnu, Indra hadariya potis,
Boglo magno pokpá bahru bal.*

“Come, O dead one, from the palace of Indra, come and eat the food of this world, take it and return (to thy palace).” The offerings remain for some time at the spot where they are laid ; after which the mourner removes them to his own cave or resting place (in which he is forced to live apart during the continuance of these rites), cooks the flesh and rice, throws one mouthful on the fire for the dead, addressing him again in the same words, and then takes his own meal of

what remains. From the 5th to the 8th day the same process is repeated ; but the offerings during these days are placed on the *west* side of the spot, the diet remaining the same as during the four days preceding. On the 9th day the offerings are placed on the *north* side, that is, the part where the head of the deceased was laid, and the flesh diet is now changed from tortoise to crab. This is continued till the 12th day. On the 13th day the offerings are placed on the *east* side and the flesh diet is changed from crab to porcupine. This is continued for one day more. On the 15th day the mourner goes no more to the spot, but after being shaved re-visits his family, who then with the Pathári or tribal priest solemnize "a feast of the dead" consisting chiefly of rice-beer and hogs' flesh, the choicest of all diets to a Mushéra, whether dead or alive.

Mushéras of Pipri and the surrounding country (who practise earth sepulture in combination with water-burial and cremation) perform the same rites in all essential respects as the preceding, with only one difference. Here, there is an actual tomb, and not merely a piece of ground roughly marked off on which the body was temporarily laid before it was thrown into the river. On the first day a flag is fixed at the foot of the grave, that is, at the south end, where the feet of the dead are placed. On the fifth day a second flag is fixed on the west side ; on the 10th day a third is fixed on the north side, that is, at the head of the body ; and on the 13th day, a fourth is fixed, on the east side. These four flags are not removed, and they serve to mark the spot where the body is laid as a vantage ground for future offerings to be paid periodically in the course of the year following the burial.

Some account must now be given of the means employed by the chief mourner for purifying himself from the contagion of death or (to speak more correctly) from the evil spirits who flit about a corpse. Having paid all the offerings due to the dead, he is at liberty to consider what is due to himself, and to take steps for rendering himself fit for re-admission to his family from whom, up till now, he has been compelled to live apart as unclean, remaining in some hole or corner, or under some tree, and subsisting on what remained from the offerings paid each day to the dead. Those Mushéras, who simply leave the corpse in the jungle and perform no obsequies to the dead, do not require and do not undergo any purifying rite. But the case is different with those who have touched and handled the corpse, either by throwing it into the river or washing it with the river water, or binding it round with cloth, or putting fire to its face, or burying it in the earth, and who have continued ever since in close proximity to the abode of death in order to pay the customary offerings.

The first purifying rite consists in shaving the head,¹ or the head and face,—a practice to which a large number of parallels could be adduced, if necessary, from many different races. The shaving must be performed, not by the mourner himself, but by the brother of his mother, or by some son of that brother, or by the husband of his mother's sister, or by some son of his mother's sister. When the shaving has been completed, the shaved man and his shaver boil some strips of bark torn from an ásan or deodár tree, and after straining off the fibre wash their face and body in the sacred water. He is then at last fit to re-enter the family cave or hut. After he has been thus re-admitted, a further ceremony, as described below, is performed by a Pathári or tribal priest, or if no Pathári can be found, by the son or husband of the chief mourner's sister, or by the son or husband of his father's sister. The Pathári or his substitute recites the following lines (all in the Mushéra language), in praise of the dead :—

*Utram kuiya jigdar berlis huiya hutma ku,
Taulis Indra hadaria hutmu utram kuiya kuiya jigdar ku ;
Taulis Indra madariya hutmu chimlan tiplan kero ku
Inlis Indra madar hit birnis potis hutmu timran bhu
Tiplo hutmu Indra madar potis mahar magnu potis timran bhu
Tiplo Indra madar hutmu potis hit timran bhu
Bhuiya miglin kuiya ku
Utram kuiya berlis jigdar huiya hutmu ku.*

" Having performed the obsequies to the dead, the son has " dismissed his own ; hurrah. The dead has gone to the palace " of Indra : the son has performed the obsequies ; hurrah. The " dead has gone to the court of Indra, and beholds the dances " of the heavenly dancing girls. The King Indra enquires, From " what place, O dead one, has thou come hither ? The dead " one answers, I have come, O king from the world below. The " king says to the dead, Thou hast come hither, thou hast done " well ; hurrah ! The son having performed the obsequies has " dismissed his own : hurrah ! " When these words are finished, the mourner touches the ground with his forehead before the Pathári or his substitute in acknowledgment of the blessing paid to the departed one.

Then lastly comes " the feast of the dead," which (as we stated a page or two back) takes place on the 15th day, at the close of the long series of offerings paid during the 14 days previous. As the chief mourner through whom the offerings were paid is now pure, and has been re-introduced into the family cave or hut, he is an important guest in this banquet. Another honoured guest in the same feast is the Pathári, or in the absence of a Pathári, the male relative or connection who acted as his substitute. Another honoured guest is the

bard or reciter, called Panwáriya, who, if the family can afford the cost, is usually invited at such times to relate or sing the national legends in connection with the exploits of Makará "the Kol Chenrár or Chandér" and of his valiant son, Deosi, who after founding the Mushéra tribe and completing his career on earth, ascended into the palace of Indra. But the most honoured guest at these feasts is one whose presence, though not visible to the eyes, is real to the mind's eye of the banqueters—the ghost of the departed one himself. If the ghost has been admitted, as they hope, into the Court of Indra, it comes down to smell the effluvia of roast pork and rice-beer presented in its honour. If, on the other hand, it has not gone to Indra, but has been detained in the lower regions of the air, it is much gratified by this family banquet, and is less likely to become a persecuting goblin.*

In our account of the above rites, we have described them as they are performed for a married man. For a married woman they are not quite the same in certain details; and for boys or girls who die unmarried the ceremonies of every kind are of a much lighter nature. For a married woman the daily offerings, made between the day of the death and that of the final funeral feast, are continued for nine days only, whereas for a man they are continued for 14 days. The explanation given is that the woman carries the child for 9 months before it is born, whereas the father keeps his son with him for 14 or 15 years, that is, till he is old enough to marry and go out and maintain himself independently in the forest. In some parts the period of mourning for a married woman is extended from 9 days to 12; and the explanation then is that 3 more days are added in recognition of three days of weakness and suffering attending child-birth. Thus, in the case of the married woman,

* The following example of an immense funeral banquet given on the burial day of the Duke of Norfolk in 1554 is worth quoting as a specimen of what "a feast to the dead" could be only some three centuries ago in England:—

The 1st day of October 1554 was buried the Noble Duke of Norfolk at a place called Fremynghame Church, and there was a goodly hearse of of wax as I have seen in these days, with a dozen of banner rolls of the progeny (that is, ancestral descent), 12 dozen of penselles, 12 dozen scochyons and with standards and 52 coats-of-arms and a banner of damask and 3 banners of images and many mourners, and a great dole, and after great dinner (for the furnishing of which dinner were killed 40 great oxen and 100 sheep and 60 calves, besides venison, swans and cranes, capon, rabbits, pigeons, pikes and other provisions both flesh and fish.) There were also great plenty of wine and of bread and beer, as great plenty as had ever been known, both for rich and poor: all the country came thither, and a great dole of money there were bestowed upon the poorer sort. —

(Extract from diary of Henry Maclyn, Citizen of London: quoted in *Quarterly Review*, April 1887.)

the final "feast of the dead" which closes the days of mourning, takes place either on the 10th or the 13th day ; while that for a man takes place on the 15th day. Again, there is a distinction as to the amount of hair to be shorn off, before the mourner can be considered pure enough to be re-admitted into his family. If the deceased was a man, it is necessary that he should be relieved of his beard and whiskers as well as of the hair of his head. If the deceased was a woman, it is enough that he should part company with the hair of his head only : for, as a woman has no beard and whiskers, there is no need (they think) to have such appendages shorn off on her account.

All that now remains to be said regarding the funeral rites is that in some parts, or wherever the family can bear the cost, the worship of the dead does not cease with the final funeral feast held on the 10th, 13th or 15th day, but is continued periodically in the year following. The rule generally observed is to make an offering once a quarter ;—at the close of the first quarter, the same offerings as those given in the first and three following days after the death ; at the close of the second quarter, the same as those given on the 5th and four following days ; at the close of the third quarter, the same as that given on the 10th and two following days ; at the close of the fourth quarter, the same as that given on the 13th and 14th days. These offerings are made at the four flags in succession, each quarterly offering at its appropriate flag, as was shown above.

We turn now to the ceremonies connected with the birth and naming of children. To understand the foundation and meaning of the lustral rites connected with birth, it should be understood that, according to the belief universally prevalent in India, among all tribes and castes alike, whether Brahmanized or not, and among all classes of Mahammedans also, the air is peopled with innumerable unseen spirits, (called in India *bluts* or *prets*), which are ready at all times to attack the living, and especially at times of child-birth, when the tender age of the child and the weakened state of the mother render them most open to attack. As Milton has said :—

*Millions of spiritual beings walk the earth,
Unseen, both when we wake, and when we sleep.*

To protect the child in the earliest days of infancy, and give it a better equipment for combating the arts of evil spirits in after life, spells, talismans, incantations, exorcisms, purifying rites, and propitiatory offerings are the means employed by the head of the family, or by the priest, whom he engages. Wherever the belief in spirits prevails, there we may be certain of finding the practise of baptismal rites, which in the early stages of culture, are directed merely to the expulsion of evil

spirits, and in the higher to the removal of the birth-sin which has been inherited from our first parents.

I am not able to distinguish, as I have done in the case of marriages and burials, between the baptismal rites observed in different localities or in different sections of the tribe.

As soon as labour commences, a fire is lighted near the woman and kept burning till the labour is over. Into this fire rice-grain and rice-straw are immediately thrown; and as soon as the child is born, its body is gently rubbed over with the ashes by the woman who acts as midwife, *viz.*, the child's paternal aunt. The cord, as soon as it is cut, is put with the after-birth into another fire kept burning at the door of the hut or cave; a curious analogy to which is furnished in certain Irish folk sayings current at the present day, in one of which it is said that "an after-birth must be burned to preserve the child from the fairies," the fairies being in this instance evil-hearted goblins, whose propensities are the same as those of Indian *blunts*.* The hair of a bear and a slip of wood torn from an *asān* or *deodār* tree are kept inside the hut, so long as the woman and child remain there. For one whole day and night at least a peacock's feather is dropped occasionally into the fire, which is still kept burning at the mouth of the hut. From the second to the tenth day, if the child is a male, or to the fifteenth if it is a female, some powder of the burnt *chiraunji* nut is rubbed occasionally on its body; the longer period being deemed necessary for the female on account of its power of resistance to malignant spirits being considered less. When all these ceremonies are completed, the mother and child have a final purifying bath in water mixed with the ashes of rice-straw.

Sometimes, however, these ceremonies, owing to the absence of material or want of preparation, are not carried out in their entirety, and there are some families which are less careful in these matters. If the woman prefers to get up and go about as usual, as soon as the child is born, she can do so. But she takes care to carry a lighted brand with her wherever she goes, for some ten days at least, after which the fire brand is discarded, and the mother and child undergo a final bath as above.

The ceremony, then, whether carried out in the complete or incomplete form, is in the main a mode of baptism by fire combined with baptism by water; but greater efficacy is evidently ascribed to the former, since fire is the element used at the time of parturition, when the child and mother are in the greatest danger from the goblins. The selection of rice-straw and rice-grain, with the burnt ashes of which the child is rubbed

* Folk Lore Record, Vol., IV., p 104 (Notes on Irish Folk Lore),

immediately after its birth, needs no explanation beyond what has been stated already regarding the sanctity attaching to this grain in the estimation of the Kol tribes. The feathers of a peacock as a talisman against evil spirits are much appreciated by Hindus, who, in this matter, have perhaps been borrowers from the Kols. * Great importance is attached to having the bone of a bear in the room : for by this means it is hoped that the child will be protected, to some extent at least, against an animal of which Mushéras have most reason to be jealous or afraid on account of its skill in climbing trees and rocks and prying into the caves and crannies, where Mushéras dwell, and digging roots out of the ground with its claws. It lives as Mushéras do, on vegetable products, wild figs, wild plums, the flower of the mahwa tree, edible roots, &c., and is clever at finding wild honey, which it devours with avidity. It is therefore the Mushéras' worst rival ; and is sometimes believed to be the body, in which men or women, unable after death to take their flight into the mansions of Indra, are born again.

*Quæ gratia curruum
Armorumque fuit viris, quæ cura nitentes
Pascere equos, eadem sequitur tellure repostos.--Æn. VI.*

Many of the hill tribes of Central India hunt and eat the bear. But Mushéras, for the reason given, abstain from doing so.

By way of shewing the nature of baptismal rites as practised by a people, who in other respects stand on a much higher level of culture than Mushéras, yet in regard to baptism and its objects hold substantially the same view, we will quote a few extracts from an account of the Chinese ceremony given by a recent eye witness :—"On the day of birth, a basin containing lighted candles and incense sticks is placed beneath the bed. Pummelo leaves and slips of a fragrant thorn are suspended over the door to ward off evil spirits. . . . On the third morning the god of the bed is worshipped, and offerings of vinegar and eggs dyed red are made. On this day the Taoist priest, entering the house, passes into the hall, bed-room, and kitchen, bearing a piece of the plant known as wai ts'o, and a bowl of clean water, with which he sprinkles the rooms, chanting at the same time certain liturgies. This ceremony

* The peacock is a snake-eater ; hence in Sanskrit called *bhujāṅga-bhuja*. But evil spirits take the form of snakes, and hence snakes are much dreaded at the time of child-birth. The peacock has acquired additional prominence as a snake killer in the eyes of Hindus, because it is the vehicle of Swyam Kártika, the brother of Ganesh, and son of Mahadeb ; and Swyam-Kartika was distinguished as the destroyer of Rakhshasas or evil demons. Exorcists or medicine men in India make much use of peacock's feathers in their ceremonies for the expulsion of evil spirits from the bodies of the possessed.

"is known as the purification. . . . To prevent the child being "borne off by demons, a fisherman's net is sometimes spread "over the opening in the mosquito curtains. . . . A curious "custom prevails in Canton known as 'singeing the little pig'; "this is effected by passing the child several times over a fire of "charcoal, &c. The rite of singeing the little pig, as the Chinese term it, presents a curious parallel to what was practised in Scotland for several centuries after the Christian rite of baptism had superseded the pagan one. On their return from church "they take the newly baptised infant, and vibrate it "gently thrice or four times over a flame, saying thrice, Let the "flame consume thee now or never." *

Mushéras of the plains have not, in all cases, retained the same baptismal rite as those in the hills. They still light a fire against the mother at the time of labour, keep a fire burning at the mouth of the hut, and place much reliance on the feathers of a peacock. But they do not keep the bone of a bear inside the hut; for bears are no longer to be found in their wild state in the plains of India, and hence they are not feared as rivals; and instead of washing the mother and child with water mixed with the ashes of rice-straw, they have, in many places, adopted the custom followed by some of the lowest castes in Indian villages, of rubbing the body of the mother and child with wine. As parallels to such washings, we may quote the Burmese custom, by which the head of the infant is bathed in a decoction of the soap acacia, and the Figian custom, by which for fourteen days at least after birth "the mother and "child are covered from head to foot with turmeric, with which "their clothes are also smeared: a precaution," (as the Scotch authoress explains), "against the devices of certain evil "spirits, of whom many of the converts still stand in as great "awe as many a devout old Highlander does of the bogies and "warlocks of our own mountains."†

For the naming of a *male* child the following customs are

* (Folk Lore Journal.) July and September 1887, pp. 224—5. Brand's Popular Antiquities, p. 338. Edit. 1877. The following extract from an old English writer, who lived in A. D. 1660, and described the survivals of heathenism, shew what the people really thought about baptism before and after the Christian rite was established:—"Exorcisms were used by the ancients on persons to be baptised, whereby they adjured the Devils to go out of the person to be baptised, and took on them to blow out the evil spirit, that the Holy Spirit might be admitted." Quoted in p. 131 of Remains of Gentilisme and Judaisme by J. Aubrey, R. S. S., London 1881. In the earliest edition of the Prayer Book, (if I remember right), the words spoken by the priest at the time of baptism are:—"In the name of the Father, the Son, and the Holy Ghost, I exorcise thee, O evil spirit, and command thee to come out of this child."

† Forbes' British Burma, edit. 1878, p. 67. At Home in Figi, edit. 1881, by Mrs. Gordon Cumming, Vol II, p. 124.

observed. On the day fixed for the naming a sacrifice is offered to Barké Bábá, "the grandfather," *viz.*, Deosi, the founder of the tribe. Two names are given; one being the name of some Devi, or rather a name selected from among the numerous titles by which the Devi or indigenous goddess is known, such as Banjári, Nikundi, Bahiyá, Britiya, Mohani, Ránkini, &c. The other name is taken from the tree, near or under which the child was born, or from some hill near which, or on which the family reside. Thus, if a male child is born under a jigan tree, it is called Jignu. Possibly in this custom we may see the germ of totemism on the male side, which, though undeveloped among Museras so far as I can discover, is found among certain other Kol tribes in Chutia Nagpur.

The name given to a daughter is fixed by the mother, according to her own fancy. There is no ceremony of any kind attending the giving of the name, and no rule regulating the selection. The following are among the names commonly given to females: Birmi, Mughni, Ghanni, Kumáni, Jajiyá. But I am unable to trace their meaning.

IV.

The religion of Museras, to which several allusions have incidentally been made already, consists in the veneration of natural objects, human souls, and divine spirits. The foundation of all is the belief in the survival and separate existence of the individual human soul after it has parted from the body.* Hence arises the worship of deified ancestors. Hence life and personality are imputed to inanimate things, which, if they strike the mind of the observer with any unusual sentiment of awe, terror, love or gratitude, are regarded as deities and sometimes propitiated with offerings. Hence Devas, or

* That the belief in the separate existence of the human soul is at the bottom of all these notions has been well shewn by the late Captain Forbes in his account of the Karens of British Burma, p. 272-3 of *British Burma*. "The most important point is that which teaches the existence of a soul or spirit in every object, animate and inanimate, in the most insignificant and the mightiest in nature, * * * * Not only animals, trees and plants have their separate and individual "kalás" (souls), but spears, knives, arrows, stones, &c. It would seem to be simple self or individuality, the ego of the metaphysicians, * * * * The kalá is constantly in the habit of wandering forth from its body, and its continued absence would cause death. This idea gives rise to further beliefs in *therets* or spirits, who lie in wait to seize and devour these errant "kalás;" and in the "wees" or sorcerers, who have the power of summoning back the wanderers even from the land of shadows." It will be seen below that Museras have the same belief in the spirit or soul residing in inanimate objects; the same belief in "therets" or evil spirits wandering about in the air; and the same belief in sorcerers to keep them under proper control.

divine spirits, conceived after the pattern of human souls, have been placed in command of certain departments of nature after which they are usually called.

Among the objects held sacred by the Mushéra tribe are rice-grain, certain trees, such as the deodár, ásan, mahwá, bamboo, &c., fire, rivers, and the tribal tool (gahdála). To these we must add the place known in their legends as the fort of Pipri, where buffaloes are still sacrificed by the present owner, a Chattri of the Gharwár clan, in memory of the Chander or Cheru heroes, the first occupants of the site, and the ancestors of Mushéras.

Of the sanctity attached to rice-grain, examples have been given already. In the marriage rites, as we have seen, the union of youth and maid is effected by their eating rice-paste or gruel together. In the baptismal rite the new-born babe is rubbed over with the ashes of rice-grain and rice-straw. In the burial rites fire, fed with rice-straw, is applied to the face of the corpse, and rice pancakes smeared over with honey are given as food offerings to the souls of the dead. There is scarcely any kind of food cooked by others than themselves, which Mushéras will not eat. Yet an exception is usually made of rice, which must be cooked at their own fire and no other. * Some families are so punctilious in regard to the sanctity of cooked rice, that if the shadow of an outsider passes across this food, they consider it polluted and not fit to be eaten.

The trees most venerated by the hillmen of the tribe are the deodár, in which the souls of the dead reside, while offerings are being paid to them; the ásan, on which the tussar worm is fed under the special guardianship of their goddess-mother, Banaspati; the bamboo whose clump is believed to be the shrine of the same great goddess at the time of her periodical worship; the mahwá, wild fig, and chiraunji, whose flower, fruit, and nut respectively are much valued as food; and the mahul tree, from the broad leaves of which they manufacture plates and cups. † They make libations of water at the foot of the deodar tree, as the reader will recollect, because the dead man's soul is believed to enter this tree

* Similarly of the Santals, Colonel Dalton says:—"They are not over particular about food; but nothing will induce them to eat rice cooked by a Hindu, even by a Brahman."—*Ethnology of Bengal*, p. 214. The Santals were originally Khairwárs, and therefore closely related to the Mushéras.

† On Tree Worship by other hill tribes, compare what Colonel Dalton says of the worship of the Mukmum by the Malers. (*Ethnology of Bengal*, p. 288), the Karm by Oraons, p. 260, and the Mahwá by several tribes.

immediately after death. But they are not quite sure that the soul ever leaves it : hence the deodar and the deceased are sometimes regarded as one. In fact the deodar is to Mushéras what the pipal is to Hindus ; and though they will cut its bark for the sake of the fibre, which they weave into aprons, they abstain from cutting down the tree itself or doing it further injury.

Mushéras in the plains, having no deodar to look to, have transferred their allegiance to the pipal, the *ficus religiosa* of the Hindus. They have also acquired the Hindu reverence for the datura and marigold plants, both sacred to Mahadev, whom they designate, however, as Bhairon, and for the tulsi plant, sacred to Vishnu, of whose history and attributes, however, they know nothing. I have seen a Mushéra hamlet in which these plants had been carefully reared round a clay lingam in honour of Bhairon, and two broken figures of an elephant intended to represent Kali, whom the people of the hamlet were beginning to place on a par with Banaspati herself. Thus, by a few slight changes, the Mushéra creed is brought into the same groove with that of Hindus.

Fire is the most sacred of elements, and is used (as we have seen) in preference to water for expelling malignant spirits at the time of child-birth, and thus preventing them from entering into the body of the babe, or exchanging it for some imp of their own. Great sanctity, too, is ascribed to fire at the time of lighting a brick-kiln, where the Banmanush or "Mani of the Forest," summoned for this duty from his rude hut or hamlet outside the village, extracts pure and new fire in honour of Banaspati by the friction of wood on wood. The mental attitude of the savage at such times is on the same level with that of the Arya fire-priest of the Vedic age, who sang the praises of the fire-god, Agni, as he twirled a hard stick in the groove of a softer one :—"Let us bring this mother of the people ; let us rub out this Agni, as was done by the men of old." Here the aboriginal creed finds touch with ancient as well as with modern Hinduism : for the Vedic rite, to which we have just alluded, is reproduced at the present day by Brahmans of the Agnihotri class, who in kindling a new fire to their family gods use the same process, and regard the sudden outburst of the flame with the same sense of awe, as does the Mushéra savage in kindling a brick kiln to his tribal goddess.

Mushéras and their congeners have great respect for rivers. The reader will remember the anecdote of the Savari woman, who carried her husband's bones for over 100 miles in order to throw them into the Ganges ; and how Mushéras of almost every class wash the bodies of the dead in river water before they bury them in the earth, and how some Mushéras dispense with

earth sepulture altogether by throwing corpses at once into rivers. In fact no burial of any kind, not even that of earth sepulture takes place except on the bank of a river. The Son with its tributaries is the sacred stream of Mushéras, as the Koel is to Kharrias and the Damudar to Santáls. "Nature-worship," says Mr. Tylor, "reaches its climax among the Bodo and Dimal "tribes of the north-east of India, to whom the local rivers "are the local deities, so that men worship according to their "watersheds, and the map is a pantheon." * Thus river-worship is indigenous to North-Eastern as well as to Central India; and there is little reason to doubt that the river-worship now so prevalent among all classes of Hindus in the great Gangetic plain, took its rise from the indigenous tribes who dwelt there before the advent of the Aryas or their descendants. These indigenous tribes still form, as I think, the bulk of the inhabitants of the plains of Upper India, although now they scarcely be recognized under the multiplicity of castes into which they can by the influence of Brahmanical teaching and example, which, have been gradually distributed and transformed. †, they

The tribal tool (the *gadulá*) receives a more specific worship than any of the objects above named; and this, in the Mushéras even more markedly than by hillmen. On the night of the Diwáli, (the annual festival of light). On the Hindu caste pays worship to the tool, instrument, even every by which it lives), every Mushéra family does homage or symbol great tribal tool as to a divine and conscious being to the man or eldest male member of the household. The head or leader to the rest. A large leaf-plate or *patil* as priest floor of the hut made of dhák leaves, about 2 ft. laid on the five and a half long, so that it may be large enough broad and the entire breadth and length of the *gadulá*. It is laid upon this leaf-altar, where it is covered with flowers or with chaplets of flowers, such as are placed by Hindus over the stone symbol of Mahadev and over the heads and necks of their idols. In front of the tool thus garlanded, a piece of ground is smeared with river water. On that purified spot the chief worshipper takes his seat, lights the Diwáli lamp,

* Primitive Culture, vol. II 193. Edit. 1871. Colonel Daiton says of the Damudar, that it is "the terrestrial object most venerated by the Santáls." —Ethnology of Bengal, p. 208.

† I am aware that there is one hymn in the Rig Veda, devoted to the praise of the river-systems of the Panjab and of the Gangetic valley. But the allusion to the Ganges shew that the hymn is not among the most ancient in the collection; and it must be remembered that the Aryas had by that time become Indo-Aryans, that is, had become very much changed by intermixture with aboriginal blood. It is well known that the author of one of the Vedic hymns was the son of an aboriginal woman by a man who called himself an Arya.

and propitiates the instrument with offerings of roots, fruits, and leaves brought fresh from the jungle, and with the roasted flesh of the *gok* or lizard. He then addresses his unconscious deity with the following hymn, the words of which are in a rough form of Hindi :—

*Deosi ke sanghatiyā ho samai kardin
Tu bhal bhayo sanghatiyā ho jo jo un kin
Tuhren to manusaiya se sab kuchh un kin
Sakal bandā ke biraiyā ho tuh hñ diheyo chññ
Sabht bhñnti ke ahirwan kar tuhn jib lin
Waisai morē sanghatiyā ho mohkā dē chññ.*

“O friend to Deosi, thou didst every work for him. Thou wast a good friend to him in all that he did. He did all things by thy might alone. By thee he learnt to distinguish all the plants of the forest. • By thee he took the life of every kind of Ahir. So be thou a friend to me also, and enable me to distinguish (the forest plants.)” On the completion of this address every member of the household bows his head to the earth before the tool; and all partake of the flesh of the lizard slain and roasted in its honor. If the tool were not thus worshipped, it would fail them (as they think) in the search for drugs, roots, snakes, &c., for the following year.

The place most sacred to Mushéras, as the reader already knows, is the fort of Pipri, or rather the site on which the original fort once stood, when Makará, the Kol Chander and father of Deosi, was king of the fort and the surrounding country. In our account of the origin of the Mushéra tribe we have already shewn how Lorik the Ahir defeated and slew Makará and ploughed up the site of Pipri with asses, and how Mushéras still attempt to re-occupy it, but are prevented by their old enemies, the Ahirs. But it frequently happens in India that a spot renowned in ancient fable or story gathers to itself after a time a new set of legends which gradually replace the old ones and send them into oblivion.* This has been the case with Pipri. It is only amongst Ahirs and Mushéras, and not amongst them universally, that the original traditions connected with Pipri have survived. The very name “Pipri” has been

* As a parallel to this we may refer to the tomb of Sayyad Salar, near Bahraich, in the north of Oudh. This was originally a temple called Bálárk, signifying the Infant Sun, to which Hindus in pre-Mahomedan times used to resort as a cure for blindness. Of the reality of this fact there can be no doubt. For the event is related in the family records of the Bhinga Rajas, by whom this Sun Temple was built; and there can be scarcely any doubt that the town Bahraich has been called after Bálárk. But all is now changed. The old history of Bálárk, like the old story of Pipri, has been forgotten by the masses; and the story of Sayyad Salar, the Mahomedan freebooter, who attacked Bahraich and was buried in Bálárk, has taken its place.

superseded by "Saktisgarh," and a new fort has sprung up in the place of the old. The new legends which have now become current are thus described in the *Government Gazetteer*.^{*} "The "Saktisgarh village is only interesting from its connection with "the fort of Sakat Singh, erected by him to control the Kols "in the reign of Akbar. Around this fort there is a considerable *enceinte*, enclosed on two sides by projecting hills, and "towards the plain by a rampart and ditch, which must have "formed a refuge for the neighbourhood in times of invasion. "But in these quiet days there is nothing left in the whole area "but a few small huts and the foundations of a small sanctuary. The building has a legend connected with it. It is "related that the spot first chosen for the fort was in inconvenient proximity to a cave, where dwelt a hermit of peculiar "sanctity named Sidh Nath. The holy man, perceiving the "commencement of preparations, threatened to bring a curse "upon both builder and building, unless he were left in peace, "and the present site which he pointed out, chosen. Sakat "Singh, in agreeing, begged the saint to take the fort under "his protection and to reside within its precincts. The hermit, "however, while blessing the undertaking, declined to move, "but permitted his brother, Bhúpat Nath, to go and live there, "and it was for him that the sanctuary was built. There is "another curious superstition connected with the fort. The "members of the Gaharwar chieftain's family invariably slaughter "a buffalo at the outer gate on the occasion of their first "entry into the fort. The story to which this refers is of "an unsuccessful attempt to take the fort by an aboriginal "chieftain named Mohan Badi. Mohan was killed in the "attempt; but his spirit, a very malevolent ghost, continued "to haunt the place. The holy Sidh Nath exorcised the "intruder by the sacrifice referred to, and the custom has "been kept up till the present day." It is not difficult to detect in these modern legends certain marks of continuity with those of the more ancient date. The Kols, who required to be "controlled in the reign of Akbar," may well have been Mushéras still fighting with Ahirs: for in the adjoining plains of the Mirzapore and Benares Districts, those who are recorded as Kols in the Census Reports are undistinguishable from Mushéras, and sometimes the Mushéras of that locality are even called by the name of Kol. Again, "the aboriginal "chief, who tried to take the fort, but was killed in the "attempt," and whose ghost haunted the place for some time afterwards, may have well been a Mushéra, or at least a chief with a large following of Mushéras. The buffalo sacrifice

* See. p. 223, of *N. W. P. Gazetteer*, vol. XIV. 1883.

which the Gharwar Chattri chief, who now owns the fort, has still to perform on making his first entry into it, was, and still is, peculiarly an institution of the Kol tribes of Chander and Khairwar; and the Khairwars I regard as the ancestors of the Chattri clan now known as Gharwar. Such a sacrifice is so entirely opposed to the Hindu religion, that we may be sure no Hindu hermit could have either performed it himself or ordered a Chattri to do so. It would appear, that the Ahirs were eventually driven from the place by some Chattri warrior of the Gharwar clan, who then took possession of it and whose descendants have retained it ever since. The buffalo sacrifice now offered to "an aboriginal chieftain" named Mohan Badi may well be in continuation of the buffalo sacrifices offered to the ghosts of Makara and Deosi, the ancient occupants and rulers of the fort.*

I may, perhaps, be allowed to make one more digression regarding Pipri before leaving it. Colonel Dalton quotes the following narrative from a Santal, who was explaining to him the half legendary, half mythical, origin of his tribe:—"A wild goose coming from the great ocean alighted at Ahiri-Pipri, and there laid two eggs. From these two eggs a male and female were produced, who were the parents of the Santal race. From Ahiri-Pipri our progenitors migrated to Hara Dutti, and there they greatly increased and multiplied, and were called Kharwars. Thence they removed to Khairagarh and Harrud Garhi, and eventually settled in Chai Champá in the Hazaribagh District, where they remained for several generations." Commenting on this, Colonel Dalton remarks:—"I am unable to identify Ahiri-Pipri; but Khairagarh and Chai Champá are in the Hazaribagh District, and to Chai Champá remote Santals, as well as those in this district, frequently allude."† Not even the Santals, however, could tell him where or what Ahiri-Pipri was, or relate any legends concerning it. The "Ahiri-Pipri" of Santal tradition is evidently the Pipri which was captured by the Ahirs under their king Lorik. The Santals, then called by the name of Kharwár, (for Kharwárs were the allies and friends of Cherus in their battles with the Ahirs), must have left Pipri under some leader of their own, after the conquest of the Pipri kingdom by the Ahir, Lorik, just as Mushéras did under their own leader, Deosi; the former going forth into

* It may be remarked in this place that the Rajah of Tilohi, in the Rai Bareli district, Oudh, (the second head of the Khanpuria clan of Chattris) sacrifices a buffalo every third year by ancestral custom. Does not this shew to what source we should look for the ancestry of some of the Chattri clans?

† Ethnology of Bengal, p. 209 and 211.

the hills in search of new homes, and the latter descending into the plains.* When we consider that neither the Santals nor Colonel Dalton, nor the author of the *Government Gazetteer*, from which I quoted in the previous paragraph, knew anything about Pipri, it says much for the toughness of popular tradition that the mystery of "Ahiri-Pipri" should have been first cleared up by a few ignorant Mushéras living far away from the spot in the Partábgarh district, who repeated to me the forgotten history of Lorik and the Ahirs, and that these men should have been able, although they had never seen Pipri or known any one who had seen it, to describe it by tradition and tradition only, as accurately as it is described by an European eye-witness in the *Government Gazetteer*. The old site of Pipri, now called Saktisgarh, is now, as we have seen, in the possession of a Chattri of the Gharwar clan: from which I infer that the Kharwárs or Gharwárs, though banished from the place by the Ahirs, recaptured it some time afterwards, and have held it ever since under a Gharwár Rajah of their own, who still maintains the old Kol custom of the buffalo sacrifice, notwithstanding the status which he now holds as a Hindu Chattri. There is an Ahir tribe called Bhurtiya or Bhurautiya, in the Mirzapur hills, (and the same tribe or another section of it is to be seen in several districts along either side of the Ganges), living with their herds of cows and buffaloes, in the very midst of Cherus, Kharwárs, Savaris, and Mushéras. These Ahirs, isolated as they are from the rest of their tribe, are probably the descendants of those Ahirs who captured Pipri under Lorik, and were afterwards expelled in their turn by the Kharwárs or Gharwárs, the present occupants.

The animals to which some kind of veneration is paid are the monkey by hill Mushéras, and this with the cow by village Mushéras. The monkey is not actually worshipped by them, nor is the cow by Hindus; but its life is considered sacred, and this is saying a good deal; for there are very few animals which the Mushéra in his native hills considers too sacred to be eaten, if he is brave enough to hunt them. The sanctity attached to the cow by village Mushéras is, as the reader already knows, entirely foreign to the original instinct of the tribe. In fact, according to one of the Kol theories of the origin of man, beef was the distinctive food of Kols, vegetables of Brahmans, and goats and fish of Sudras† The aboriginal

* The name Santál, according to Santáls themselves, is derived from Saont, a forest, in which they settled for a time after leaving Chai Champa: 'It was from our long sojourn in Saont, that we took the name of Santál: "we were previously called Kharwars."—Colonel Dalton, p. 210.

† Colonel Dalton's *Ethnology of Bengal*, p. 185.

tribes in the North India plains appear to have been distinguished into those who did, and those who did not, regard the life of the cow as sacred : and perhaps to many of these tribes the cow was a totem. Brahmanism, in the process of absorbing these tribes, had to choose which side it would take ; and it chose that of the cow. Hence all tribes and castes which came within Brahmanical influence had to recognise the sanctity of this animal. Some tribes, like Ahirs, needed no conversion to a doctrine which they already held. Others, like Chamars, who were cow-killers at first, were taught to abstain from this practice, but were still permitted to eat cow carrion, as they do to this day.

From objects, places, and animals we turn to souls,—the souls of the dead,—invisible beings, whose existence, however, is no more questioned than is that of the apes, rivers, trees, &c., by which men are visibly surrounded. That the soul survives the body, and enters into some new state of being on leaving it, is, or has been an universal instinct of mankind, and consequently no tribe or race of men, however savage or ignorant, can be said to be without a religion : for the belief in souls or spirits is the source out of which all creeds have sprung. The soul on taking its flight from the body may wander in the air as a persecuting or beneficent ghost ; or it may enter into some other form of bodily existence, such as a tree, an animal, or a rock ; or lastly, it may find admission into some state of bliss or woe removed altogether from earthly scenes. Mushéras have all three forms of faith. We have seen already how the souls of the dead may, as they think, enter into a tree or a bear. We have seen, too, how, when the obsequies have been duly paid, it may rise to the mansions of Indra, and behold the dances of the celestial dancing girls. Of ghosts, bogies and goblins, that is, souls which have left the body in a state of pain or in some other unlucky manner, they stand in the same kind of dread, as do all classes of Hindus and Mahomedans, and (we may add) all nations of men throughout the world ; but on the whole they are more prone to the veneration of deified ancestral souls than to the fear of persecuting ghosts.

Ancestor worship displays itself not only in the veneration paid to Dcosi, the great forefather of the tribe, but in the veneration of certain local heroes of less fame, whom Mushéras in the plains—spreading out, as they have done, from jungle to jungle, “like a creeper from bough to bough,”—have learnt to reverence from having come accidentally in their way. For example, in the forests of the Gonda—Nepal Terai, where they have come across the indigenous Tharus, they have learnt with them to sacrifice hogs, goats, and capons to a so-called

local ancestor named Raja Dāngu, who is apparently a mere personification of the hills (Dāng), under whose shadow the Tharus live. Further south in the districts of Gorakhpur and Fyzabad, they pay offerings of flesh, rice, and honey to Raja Bal or Bhal, the wild man who started into life out of the battered corpse of Raja Ben, the far famed king of the aboriginal races,—that incorrigible heretic, who would not be converted to the teachings of Brahmans, and whose body they battered with blades of kusha grass, till a babe sprung out of it. The child thus produced was so hideous, that he was immediately banished into the forest, where he became the founder of several forest tribes. Another local ancestor is one Maganpal, to whom the Mushéras of Barabanki do homage under the title of Banraj, or Forest King,—some celebrated hunter, we may suppose, whose name was once a talisman among the wild tribes of that district, before it had been wholly denuded, as it now is, of the natural forest.

But the ancestor to whom the widest reverence is paid, and whose name is one of the closest bonds of union between all sections of the Mushéra tribe, both in the hills and plains, is Deosi. We have seen already how, on the day of the final marriage feast, when all the ceremonies have been completed, and the youth and maid are one, he is invoked to come down from the palace of Indra, and "eat the food of this world" and bestow his blessing on the bride and bridegroom; and how, on the completion of funeral rites, when the chief mourner has returned to his family, a tribal bard is called in to relate the story of his victories over Ahirs, and his ascent to the palace of Indra. He is specially worshipped as the god who presides over hunting and root digging, and the collection of forest fruits and flowers. On the birth of a male child it is to Deosi that the thank offerings are made by the mother: he is thus the god of male offspring. The mode of worship is simple, but characteristic. They cut up a *goh* or lizard, and throw the pieces of raw flesh into a river: for it was in a river that he himself was buried, and the lizard is the animal which he taught his posterity to dig out and eat, and whose flesh is still chiefly used in paying offerings to the dead. At the time of throwing the flesh offerings to Deosi, he is invoked in the following words (all in Hindi):—

Jahān katon barh burhwā ho to yah ka lē
Barh barh monhin aherwa de monse pajwā lē.

"Wherever thou mayest be, Oh father, accept this offering. Grant me bountiful prey, and accept my worship." Thus Deosi, though once a mere mortal who was killed by an Ahir, is now a god, spiritualized and unseen, of ubiquitous presence,

with power to bless the union of man and wife and to grant success in hunting.

There is one more ancestor whose spirit is worshipped by a portion of the tribe,—the Dolkarhās—who, as we have explained above, have become detached from the parent stem through eating forbidden flesh (the flesh of the horse), and following the forbidden occupation of palki-carrying. This ancestor, as the reader will remember, is Anséri, a merely eponymous name signifying the Divider. He, like Deosi, has been deified, and this under the name of Dulá Deo, which is now understood to signify the Dooli-god, but was probably an adaptation from Dulá Deo, the house god of some of the Kol and Gond tribes of Central India. The offerings paid to this divinity consist of the head of a ram or goat, the eggs of the goh or lizard, and a piece of yellow cloth. These are presented to him on a large plate made of dhák leaves. Gur and ghee (treacle and clarified butter) are offered to him through fire. The month in which these offerings are chiefly paid is Baisákh (April), the commencement of the marriage season amongst Hindus, when doolis and palkis are in much request, and when the god is therefore especially propitious.

Much worship is paid among the hill tribes to Bhágwat Deo—half tiger and half man—who like the preceding is a deified human soul, but not an ancestral one. There is a tragical story current among most of these tribes, Gond as well as Kol, of a young prince, who on the very night of his wedding day, and before he had been received in the bed chamber of his bride, was attacked and eaten by a tiger. The ghosts of any other men or women who have been slain by tigers have been associated with this one, and the collective unit thus formed is the Tiger-god, Bhágwat. One peculiarity, however, requires to be noticed. The soul of a person who has died a violent death takes its agonies with it into the air and becomes a *bhut* or persecuting goblin; and such a ghost as that of the young prince, who was devoured by a tiger on the very night of his wedding, and on the eve of consummation, could not be expected to rest. But by constant propitiatory offerings even such a ghost as this can be pacified at last, and when this happy state has been reached, he becomes himself a protecting deity against the very animal which destroyed him. Such is the homœopathic instinct of mankind,—an instinct which has expressed itself nowhere in greater force or variety than in India.* The reader

* As a parallel to Bhágwat, the Tiger-god, we may quote the case of Harda Lál, the Cholera-god:—

"Our great Cholera-god is Hardaur or Harda Lálá, the ghost of some ancient worthy who died of the disease. Most villages have a mound

will remember the lines addressed to Lycidas, the luckless swain who was drowned within sight of land :—

Henceforth thou art the genius of the shore
In thy large recompense, and shalt be good
To all that wander in that perilous flood.—*Milton*.

Bhágwat is worshipped by the slaughter of a buffalo,—the highest honor which a Mushéra can confer upon any deity—and one especially suited to the tiger-like propensities of this dubious divinity. His worship is not periodical, and is apt to fall into disuse, until some one has been killed and eaten by a wild beast, when his aid is again invoked. The buffalo sacrifice to Bhágwat is an event which brings together a considerable collection of men, and several different households are expected to contribute towards the expense. The animal is tied, thrown, and decapitated by the headman of the assembly, who in one blow cuts through its neck with an axe, called in the Mushera tongue *ganjam*; for the *gahdila* or spade blade would not suffice for such a purpose. The head of the animal is left on the altar floor for Bhágwat. The carcass is then divided among the contributors of each household; but a quarter of the whole is the perquisite of the Pathári or priest who conducts the ceremonies. The spot where the head was left is marked with a heap of stones. That spot, together with the land surrounding it, which is marked off with a boundary line, is “a city of refuge” against tigers and other beasts of prey. It is only within such a circle that a Mushéra feels safe in sleeping out at night.

As the worship of Bhágwat has reference to a martyr, who was raised to the rank of a divinity on account of his unhappy fate, so that of Mahábir or Hanumán, (known also as Borám in the Vindhya and Khaimur hills), took its rise from a great warrior king or hero, who, after his death, was deified on account of his valorous deeds. In the great Hindu epic, the Rámáyan, he figures as the flying monkey-king and general of the ape army, to whose assistance Rám, the banished king of Ayodhyá, owed his victory over Ravan, the demon king of Lanká. In the plains of Upper India, Hanumán is honored, because Rám is honored, and handsome

in his honor, which now-a-days is gaily dressed with flags, peacocks feathers, &c., and offerings of milk, curds, and sweets are made on Sundays. On such occasions the demon pays the place a visit, and a couple of bricks are put in front of the shrine on which they may alight, as of course no well conditioned ghost can rest on mother earth.”—*Indian Notes and Queries*, September 1887. Here the ghost of a man who died of cholera is propitiated to avert cholera, as the ghost of a tiger-slain man is propitiated to avert tigers.

temples, with images of the monkey-king himself, have been erected in his name. In the hills of Central India, where Ram is scarcely known, Hanumán is honored for his own sake, and his fanes or sacred places are not temples made with hands, but the huge projecting rocks on which he sat and the pools in which he bathed. In the province of Berar, as a recent writer has shewn, "the setting up of his image in the "midst of a hamlet is the outward and visible sign and token "of fixed habitations, so that he is found in every township."* The indigenes of that isolated province, together with the Bhuiyas, Mushéras and Chandérs, &c., amongst whom his name is honored, must have been the apes of the Rámáyan, who assisted Rám in his expedition against Rávan; a supposition which is favoured by the prognathous or semisimian physiognomy of the tribes in question. That the monkey is a sacred animal among the hill tribes, being admired on account of its half human ways and revered for its more than human powers of leaping and climbing, has been shewn already; and the respect thus felt for individual apes may have culminated, by the usual generalizing process, in the creation of a great ape-king possessing the best properties of the entire ape species in an intensified degree. In this way the gods of polytheism are formed. But Mahábhir was something more than a mere creation of the mind. The very name Mahábhir, "great hero," implies that there was a real historical warrior who headed an army of aboriginal troops in aid of Rám, and who after his death was deified on account of his heroic deeds, exactly as Ram himself was. Moreover, the name "Hanumán," the synonym for Máhabir or great hero, would be meaningless, unless it is understood of a man. For "Hanumán" does not signify "ape," but a man with big jaws, prognathous: and all over Upper India the possession of big jaws is regarded as a mark of strength and valour. Hanumán was therefore a distinctive and complimentary epithet applied, not to an ape, but to an actual hero distinguished for his strength and valour. The Bhuiya tribe consider Mahábhir to be their great ancestor and founder:† and *bir* is the word current among several of the aboriginal tribes for "deified ancestor," just as *heros* in Latin meant originally "the dead man of the house," whose ghost, as Lar or Household god, was worshipped with daily

* Asiatic studies by Sir A. Lyall, p. 13.

† Colonel Dalton's "Ethnology of Bengal," p. 140. The Bhuiyas call themselves Pavanbansh after Mahábhir, that is, the race of the wind. The mother of Mahábhir was Anjaná; evidently a lady of matriarchal times. But Brahmans, to increase her respectability according to their own notions, gave her a husband of the name of Pavan, the god of wind; and thus Pavan was made the father of Mahábhir.

offerings by his survivors.* Amongst Mushéras, Mahábir receives no actual worship either casual or periodic. But as an oath taken in his name is scarcely, if at all, less binding than one taken in the name of Banaspati, he must be counted among their divinities. I was surprised to find that even in a district so far removed as Partabgarh from the original home of the tribe, it was still the custom among the Mushéra hamlets to take oaths in the name of Mahábir.

Bhágwat and Mahábir may both be quoted as instances of animal worship which has been mixed with hero-worship. The tiger is regarded with a sense of religious awe (inspired no doubt by physical terror), on account of its prodigious rapacity, strength, and rapidity of motion; and it is common among the hill tribes to test a man's honesty by making him swear upon a tiger's skin. The ape is regarded with a like sense of awe, but for different reasons. But the deification of both has been aided by the belief in the survival of the human soul, the tiger-slain martyr, or the victorious warrior, whose memories could not be forgotten.

From objects, animals, places, and human souls, we turn to Devas or divine spirits,—beings conceived to be of an ethereal nature like human souls, but not sprung, like human souls, direct out of some mortal body or bodies, in which they once lived. Just as the soul animates and directs the body in which it resides, so the Deva or divine spirit animates, personifies, and directs that department of nature and that class of objects and events, over which it has been placed in command.

First, as to Indra, the sky-god, to whose voluptuous court of songs and dances the souls of the blessed flit away after the completion of the funeral rites. It is scarcely necessary to say that the name of this divinity is of purely Vedic or non-aboriginal origin. To the Aryas of the Vedic age, he was the supreme being in the universe, the crowned king of the gods, the giver of rain and sunshine to men, the vanquisher of the Drought Dragon, and the sender of victory to his worshippers.

* My authority for this explanation of the word heros is Coulanges, in his *La Cité Antique*. The argument deduced from the name Bir or Mahábir corroborates the impression formed by Sir A. Lyall, (p. 14, *Asiatic Studies*), that "it seems as if hero-worship and animal-worship had got mixed up" in the case of Hanumán. But I am not aware what authority this writer has for the assertion that "Hanumán latterly emerges into the full glory of a divine Avatar," &c. Hanuman is not among the 10 incarnations of Vishnu generally recognized, nor is he among the 22 enumerated in the Bhágvat Purán. Ram himself was an incarnation, and it would have been rather strange if he and his lieutenant Hanumán had both impersonated Vishnu simultaneously, when they went out to battle against Ravan. Moreover Hanumán, though much worshipped by Vishnuvites, is counted among the eleven Rudras or epithets of the god Shiva, the rival of Vishnu.

He held his court in Swarga, the heaven of the gods and of beatified souls, a region of great magnificence, and peopled with courtezans and dancing girls. But the creed of the ancient Aryas has disappeared through intermixture with the earlier creeds indigenous to the country, just as the Aryas themselves have disappeared through intermarriage with the indigenous race. Indra has long been superseded. In all his contests with the sages, ascetics, and divine beings of the new pantheon, he was worsted; and he is now no longer worshipped by any tribe or caste of the Hindu community.* How, then, has it come to pass that his heaven is still sought after by the Mushéras and kindred tribes? The following explanation is offered:

There is the clearest evidence that his worship lingered as a tradition among many of the Chattri clans, and as a fact amongst the Ahirs or cattle-grazing tribes, long after it had been discountenanced by Brahmans and their more immediate followers. Among the Chattri clans, we must include the Kharwars or Gharwárs, and the Chandels, Chanders, or Cherus, both of whom were (as the reader already knows) of Kol origin and near kinsmen to Mushéras.† The Chandels, especially those of Mahoba, in Bandelkhand, have legends widely current and not of an ancient date, in which divine horses are sent down from the heaven of Indra for mortal warriors to ride on. Again, we learn from the Mahābhārata that Indra was the favourite deity of the Ahirs or pastoral tribes in whose midst Krishna was born.‡ Now the reader is already aware of the constant warfare and rivalry in olden times between Ahirs and Mushéras, and how the traditional association of the two tribes

* He was cursed and humiliated by the sage Gautama for attempting to seduce his wife Ahalyá. He was defeated in his own kingdom by Ravana, the demon king of Lanká. He lowered himself by marrying the daughter of a demon, the Daitya Pulomán. He was overwhelmed with ruin by the choleric sage Durvasas. He was defeated by Krishna, who dissuaded the pastoral tribes of Vraja from worshipping him.

† The Kol origin of these clans is not now admitted by themselves, and as Colonel Dalton remarks, the physiognomy of Chandels and Gharwárs cannot now be distinguished from that of other clans, through long centuries of intermarriage with other Chattris. In confirmation of the view here expressed as to the identification of Gharwárs with Kharwárs, it may be pointed out that the Raja of Kuntit, in the Mirzapur district, (one of the earliest homes of the Khárwárs), is not only a member of the Gharwár *bansh* or clan, but is the head of this clan, and is recognized as such by the Chattris of Rajputana.

‡ In the Mahābhārata, that is, in the modern form to which Bráhmaṇ compilers have brought it, Krishna has been transformed from an Ahir warrior in pursuit of love adventures to an incarnation of Vishnu. Consequently he is represented as placing himself in especial rivalry with Indra, and as dissuading the pastoral tribes, among whom he was born, from persisting in his worship.

"that the goddess Umá, wife of Shiva, when worshipped "as a type of beauty and motherly excellence, is always regarded as a virgin. So in particular churches at Munich and Augsburg, the shrines of the Black Virgin are frequented "by vast numbers of pilgrims, who hang up votive offerings, "often consisting of waxen arms and legs around her altar, "in the firm belief that they owe the restoration of "broken limbs and the recovery from various diseases to her "intervention" * Professor Williams deduces the widespread prevalence of Mother-worship or Goddess-worship in India from the patriarchal constitution of the Aryan family in which the mother was an object of devotion to the children. I lean, however, to a contrary view, which is implied in what the Professor himself says, where he describes these goddess-mothers as "the ancient local deities, worshipped by "the inhabitants from time immemorial, though now declared "by Brahmans to be the different forms of Shiva's consort." In this view they are the goddess-mothers of the aboriginal races, whom Brahmans have appropriated,—mothers, who are self-productive, like the Vedic Aditi, or whose husbands are unknown, as they were in the primeval days of promiscuity or matriarchy. Among the aboriginal races of India, goddesses or Divine Mothers are more generally worshipped than gods, as Dharti Mai, Mother Earth, by the agricultural Bhuiyas and Khairwars, Tári by the agricultural Kándhs, and Banaspati Mai, the Forest Mother, by the forest-ranging Mushéras and Savaris. "The Birhors," says Colonel Dalton, "worship "female deities and devils. They have assigned to Devi, the "chief place among the former; and the others are supposed to "be her daughters and grand-daughters. She is worshipped as "the creator and destroyer." † One of the three great sects amongst which modern Hinduism is divided, is that of the Sáktyas, or worshippers of the female principle, in which Kali holds the highest, and every male deity only a secondary, place.

Let us first see how Banaspati is worshipped by Mushéras in their own houses or huts, and this both in the hills and plains. They make a platform, called a chauri, in the corner of the hut, about one inch in height above the level of the floor, and nine inches in length and breadth. This little square is made of clay, (as the floor of the hut is), and the surface is smeared with river water or cow-dung. This is the altar on which the offerings to her are placed,—an altar without an idol; for there is no mound, idol, or other visible symbol under which Bansatti is

* Extracts from a paper by Professor Monier Williams in *Athenaeum*, dated 6th December 1879, pp. 727—8.

† *Ethnology of Bengal*, p. 220.

worshipped. On ordinary occasions, the offerings consist of flowers, fruits, grasses, roots, &c., brought fresh from the jungle : and the days in which the offerings are made are Monday and Friday. If the worshipper has any special favour to ask, he cuts the ball of his finger with some blades of kusha grass (the grass held sacred throughout India) and lets 4 or 5 drops of blood fall on the altar,—a survival, as we may readily infer, from the now obsolete custom of human sacrifice.

The annual or periodical worship of Bansatti (for this rather than Banaspati is the name by which they usually call her) is not kept in the same way by Mushéras in the plains as by those in the hills : and the date, too, is different. To Mushéras in the plains, the date is the second half of the month of Baisakh, corresponding nearly with the first half of May. The worship is held, as before, on Monday or Friday, and at 3 o'clock in the day. The oldest man in the household performs the ceremony. Up till the hour named, (and this is calculated with sufficient accuracy from the position of the sun), he has taken no food. His first act is to purify himself by bathing in a river, and putting a clean cloth round his loins. Thus equipped, he takes a handful of unhusked rice, husks it, and boils it in water mixed with sugar. The boiled rice is then made up into pancakes, which are baked in oil. These, together with a piece of yellow cloth, are placed on the *chauri* or altar, and dedicated to Bansatti. An oil-burner is then lighted from a new made fire. The man takes the light in his hand and passes it several times round the offerings, repeating certain words in honor of the goddess. Having done this, he sacrifices a ram or a he-goat, or a hog, or all three, if he possesses them. All the victims must be males ; for the Mushéra goddess, like the Hindu Káli, takes no pleasure in female victims. The mode of sacrifice is by cutting off the head and placing it on the altar. The worshipper then stands before the head, and questions it as to whether the offering has been accepted by the goddess or not. If the head trembles or appears to do so, the worshipper is much pleased ; for this is taken to signify that the offering has been accepted and that Bansatti has actually entered into the hut and tasted the blood. All the members of the household rejoice with him, and do homage to the altar or rather to the goddess who has visited it. The trembling test, by which the head of the victim is interrogated, reminds one of the practise of the Greeks, who tested the fitness of a goat to be used as a victim by throwing cold water over it. If the goat did not shiver and tremble, when the water was thrown on it, it was believed to be unfit and unacceptable as an offering.

The periodical festival of Banaspati, as kept by hill Mushéras, is more imposing, in proportion as Banaspati herself comes

more nearly home to the mind of a forester than to that of men living in the plains, where only small patches of jungle remain. The time of the festival coincides approximately with that of the festival of Rám (Dashara) in Upper India and of Durga in Bengal, *viz.*, the Nine Nights of Kuār, that is, the latter part of September or the first part of October, according to the changes of the moon. The coincidence of date has not, I think, arisen from one community having imitated the custom of another, but was suggested to all communities alike by physical causes. To all who are engaged in agriculture (and these can scarcely be less than 80 per cent. of the entire population) it is the time for gathering in the *khari*f or autumnal harvest; and is therefore the fittest season that could be chosen for the celebration of an annual feast in honor of any hero, god, or goddess who may be most patronized by the people. To tribes like Mushéras, who have no concern with agriculture, it is the season when the yam roots have grown to their largest size, and when the gum has hardened on the trees sufficiently to be picked off for sale. Above all it is the season for gathering in the harvest of the tussar silkworm, the worm itself having been sown, so to speak, on the asan leaves some 4 months previously. During all this period of preparation Bansatti has been regularly invoked by the man in charge of the silkworms. At the close of her labours, when the cocoons produced by her aid have been collected, she is invited to take rest, and come and visit her bridegroom and re-enact the scene of her marriage day. The festival therefore is, to Mushéras at least, the anniversary of the wedding of their great goddess Banaspati. It is known by the name of Karm or Karmá, being so called from the tree, a branch of which is fixed up in the middle of the akra or dancing floor prepared for the occasion.*

The bridegroom to whom Banaspati is wedded on this day is Ghansám, or uncle (Dáu) Ghansám, or Bansgopál, as Mushéras sometimes call him. What the origin of the name might be is not certain; but probably it is an abridgement of Ghanasyáma, one of the names of Krishna; for the name of Krishna is associated with the worship of the karma tree in more than one Purán† Mushéras, however, know nothing

* According to Colonel Dalton (Bengal Ethnology, p. 260), the botanical name of the tree is *Nauclea Parvifolia*. He gives a description of the Karm festival as kept by Oraons and Mundas in p. 259, and by Muasis in p. 232. By the former, worship is paid to the Karm tree as to a god or goddess. By the latter to Durga, who here takes the place of Banaspati. On this occasion Durga is wedded to Ghansám, as Banaspati is to the same personage in the Mushéra festival.

† According to Colonel Dalton, p. 259 and 260, the Karm tree in connection with Krishna is described in the Bhabishya Puran and in the Vishnu Puran.

about Krishna; and the name "Ghansám" must, if this identification is correct, have crept in amongst them, as Indra and Indrapur have done, through intercourse with their former foes, the cattle-grazing Ahirs amongst whom Krishna was born. According to the legend of the Kurs and Muásis (and these are neighbours to Mushéras), the original Ghansám was that unhappy young chief who was devoured by a tiger on the very night of his marriage, but who visits his wife once a year, on the anniversary of his wedding.* To Mushéras, he is simply known as the husband of Banaspati. A cone-shaped mound or pillar of mud, about a foot and half in height, is erected in his honour; and this is to Mushéras the phallic emblem,—the prototype of the stone emblem worshipped by Hindus in honour of Mahádev, the god of pro-creation. The mound is painted red with red earth. Pulse and rice are mixed together and placed with some honey in a leaf plate before the mud pillar: and the pillar is then addressed in the following words (all in the Mushéra tongue):—

*Hit dokar timran magnu mahrin
Súpar kelái matri baglo popka nahro kur.*

"Come, Oh Father, into the world, eat rice, pulse, and honey, the food of thy horse." By the horse is meant worshipper: for the deity, when he is thus invoked and presented with offerings, is believed to take entire possession of the worshipper and to control him as a rider does a horse. The Karm festival is one of music, dancing and feasting, in which both sexes freely join, and all kinds of indecent jokes, if not something more, are passed between them, as in the Holi amongst Hindus. On the night of the last day they go to the mud-mound representing Ghansám, taking with them red earth and chaplets of jungle plants and flowers. After repainting this phallic emblem with red earth, they throw handfuls of rice flour over its point. The flowers and chaplets are spread on the ground before the emblem in the form of a couch, and Banaspati is invited to come and visit her husband with the following words (all in the Mushéra language):

Hit timro Dudhali Banaspati bhú huiyá kanto ráso kyo.

"Come hither, Oh Mother Banaspati, and give delight to thy husband." The invitation is well in keeping with the peculiarity which we have mentioned already regarding the marriage rites of Mushéras, viz., that the bride comes to the house of the bridegroom, not the bridegroom to hers.

The following is a longer address, inviting her to come to her spouse, and informing her that the bearers are standing

* Colonel Dalton, *Ethnology of Bengal*, p. 232.

by with a well-fitted dooli, ready to carry her away. The language here is a rough form of Hindi, which is not unintelligible to Mushéras, and is more appreciated by Hindus: for all Hindus who have settled in the Vindhya hills take part in this festival:—

1. *Mas baisákhavá kai janmali jo dhaiyá dekhali rá Banspatí ho máy.*
 2. *Karali suratiyá sevák apne kai hankari balauli kairá ho máy.*
 3. *Sunat ruruiyá kaharan dhaule juratai pahuchal áy ho máy.*
 4. *Kauni hetuiyá lagauli ruruiyá mohsan desu batáy ho máy.*
 5. *Dihali báchá dudhali maharanyá sunali bachaniyá tu mori ho máy.*
 6. *Janmali jo dhaiyá más baisákhavá kai pujvá kai aulí samaiya ho máy.*
 7. *Begeh dadiyá sajaulasi kahará bár mangor kar dju ho máy.*
 8. *Baithali hoy sevák basavariyui pujvá kai bidhiyá bandy ho máy.*
 9. *Suni kai suni kai kanhrá dadiyá lai aulini dadiyai lálai ohár ho máy.*
 10. *Baithali dadiyá mori maharaniyá kaharan chale paráy ho máy.*
 11. *Ay kai pahunchali mori maharanyá juhavám kothi báns ho máy.*
 12. *Dekhali pujvá banaule sevakiyá bannai dihalis dsisiyá ho máy.*
 13. *Pujavá lai kai mor maharanyá bhaili sevák asvár ho máy.*
 14. *Ghorhvá kudaulis lipalá dharatiyá sunali binatiyá dukhin ho máy.*
 15. *Dihali gidarvá bahiniat matavaini ankhiyá dihalí andharvá ho máy.*
 16. *Kihalis ban kai birichhiyá ho natavaini bannai ban aulí jhopúy ho máy.*
 17. *Yah bidhi pujavá lihali maharaniyán chalipur apne jáy ho máy.*
1. I know thee, Oh Mother Banaspati. Thou art she who wast born in the month of Baisakh.
 2. Thou art ready, Oh Mother, to visit thy worshippers, and therefore sendest for men to carry thee away in thy dooli.
 3. When the bearers hear thy call, Oh Mother, they run up to thee and say :
 4. Tell us, Oh Mother, the purpose for which thou hast called us.
 5. Thou tellest them, Oh Queen Mother, to give heed to thy words.
 6. Thou tellest them that the time for worshipping that child who was born in the month of Baisakh has come.
 7. Thou tellest them, Oh Mother, that on this day, being Mangal (Tuesday), they must bring a dooli well-fitted with curtains.
 8. Thou tellest them, Oh Mother, that thy worshippers, having provided the customary offerings, are waiting for thee.
 9. Hearing thy words, Oh Mother, they run and fetch the dooli furnished with red curtains and red covering.
 10. Then thou takest thy seat in the dooli, Oh Queen, and the bearers carry thee along in haste.
 11. Thus, Oh Queen, thou reachest the place where there is a clump of bamboos to receive thee.
 12. When thou beholdest, Oh Mother, the offerings provided by thy worshippers, thou givest them thy blessing.
 13. Having accepted the offerings, Oh Queen Mother, thou ridest thy worshippers (takest possession of their bodies).
 14. Then, Oh Mother, thou makest thy horses (worshippers) leap on the ground besmeared for thy worship, and hearest the prayers of the distressed.
 15. Thou, Oh Mother, givest children to the barren and sight to the blind.
 16. Thou, Oh Mother, causeth the trees of the forest to grow, and fillest it with herbs for our use.
 17. Having thus received thy customary offerings, hO Queen Mother, thou returnest to thine own city.

Thus the birthday of Banaspati is in Baisákh when the mahwá tree has cast its food-giving flowers, when the cheraunji nut is ripe, when the sál has burst into blossom, and the wild mango and other fruits have taken shape. The new-born child, Banaspati, is the new-born verdure of the forest, after the cold of winter has passed, and is to Mushéras the opening of the new year. Her wedding-day, when she sets out in her red-curtained dooli to go to her husband, is (as we have seen) in Kuar when all the autumnal crops, cultivated or spontaneous, have been gathered in. Her shrine, when she comes down to visit her spouse and receive the offerings of her worshippers, is a clump of banboos, *báns*; whence she is also called Bánsuri, evidently an assimilation to the name Banaspati or Bansatti. During the Karm season the bamboo is a sacred plant, a sanctuary; and no Mushéra would presume to cut it or break it with his *gahdála* so long as the festival continues. The "customary offerings" have, in truth, varied with custom. Formerly, and not very long ago, human victims were sacrificed to Banaspati—a trace of which appears in the blood-offerings still made to her from the cut ball of the finger—just as human victims were once offered to Khuria Rání by the Korwás, to Thakurani Mai or Chandí by the Bhuiyas, to Bánsuri or Thakurani by the Savaris, to Rankini by the Bhumijes, to Sing Bonga by the Mundas, to Bura Deo by the Gonds, and to Tari by the Kandhs. * Now, Banaspati or Bansuri has to content herself with a male buffalo (or a boar if no buffalo is to be had), a he-goat and a ram, just as Demeter, the earth goddess of the Greeks, was propitiated with the sacrifice of boars. All these goddess mothers, whether Kol or Gondh or Greek or Hindu, delight in the blood of males, and despise the blood of female victims.

The Karm festival, as has been stated, is one of music, feasting, and dancing. The dance I have not seen. The musical instrument used at such times, of which I have procured two specimens, is a curiosity in the history of musical inventions. It consists of a wooden apparatus, to the top and bottom of which a string is attached on either side. A couple of flat wooden plates, about 6 inches in diameter, are strung on each cord in such a way as to slide up and down and strike each other whenever the apparatus is shaken for this purpose. The rattling of these tablets is Mushéra music. The native Kol or Mushéra name for this instrument is *khirkhichú*. Another name, derived from two Hindi words, is *kartál* or "the clapping of hands." The motive, then, which suggested the invention, was

* Colonel Dalton's *Ethnology of Bengal*, pp. 229, 147, 149, 176, 187, 281, 286.

to produce a sound like the clapping of hands, but on a louder and grander scale. In the district of Gorakhpur I was told that the only kind of music known to Mushéras was that of clapping their hands. In another district I was told that those who have the means of buying, play on brass cymbals. I found that the *kartál*, too, was used by a people who called themselves Kols, but were in fact Mushéras in the Allahabad and Banda districts, although the specimens which I procured were from the Mushéra hillmen of Mirzapur. It is evident, then, that cymbals were made of wood before they were made of brass, and that the clapping of hands was the foundation of both, and that all 3 types of music may be seen in actual use among Mushéras at the present day.*

Another instrument which they sometimes use at times of worship or in marriages is a kind of drum made of the dried skin of a *goli* or lizard, which is stretched across a hollow gourd or across a hollow piece of wood similarly shaped, into which tiny brass cymbals are inserted. They beat the drum with their fingers and make the cymbals tinkle in the worship of Banaspati, as Brahmans do in the worship of their own gods at Hindu temples.

The annual festival of Karm, so far as I can learn, is the only great periodic feast observed by Mushéras. They never keep the Holi, the popular festival observed by Hindus at the end of March. The Diwáli is kept only by village Mushéras, and in the manner already described. Amongst several other hill tribes, both Kol and Gond, there is a great triennial sacrifice of a buffalo or cow to some patron deity; a buffalo by Cherus or Chanders to Dharti, the tutelary goddess of the village; a buffalo by Nágbanshis to Bura-Deo, the name given to the huge rock which overhangs their valley like a watchful deity; a buffalo by Nágeshwars

* It may be worth comparing the musical instruments of Mushéras with those of other backward races in other parts of the world. *At Home in Fiji*, by Mrs. Gordon Cumming, vol. I, p. 153.—“One company acted as orchestra, sitting on the ground—some clapping hands sometimes with the palms flat, sometimes hollowed, to produce diversity of tune,—some striking the ground with short resonant bamboos held vertically, which produce a strange booming sound.” The same author in vol. II, p. 63, speaks of a Fiji dance accompanied with shouts, yells, and measured “hand-clapping.” In Grey’s *Polynesian Mythology*, p. 94, the Maories are described as “beating time with castanets of bone and wood.” In Forbes *British Burma*, p. 146, where the Burmese musical instruments are described, allusion is made to clappers of split bamboos, which they beat in excellent time, but always too liberally. Thus in countries so distant from each other as Fiji, Japan, Burma and Central India we have the same system at work, first hand-clapping, and then the various modes of imitating this sound, as by “wooden castanets” (the *kartál* of Mushéras) or “split bamboo.” It would appear from this that the first object of music was to beat time to dancers.

to their guardian god, Moihidhunja ; a buffalo by Oraons to Darhá, who is represented by a ploughshare, which is replaced by a fresh one when the three years have expired ; and a cow by the Malers of Rajmahal to Chalnad, who is the guardian of villages.* This sacrifice is not observed by Mushéras. One of the causes (according to a legend quoted in the first section of this essay) which led to the banishment of Deosi from the Chander or Cheru tribe and the consequent formation of the new tribe Mushéra, was his neglect to attend a triennial buffalo sacrifice that was being held by his six brothers and by their father Makará. It is therefore a badge of the Mushéra tribe not to keep this sacrifice.

It is by the power of Banaspati, and through the aid of her intercessory medium Mohani, that the medicine man or sorcerer casts out devils from those who are possessed,—the devils of epilepsy, faintness, cramp, impotence, barrenness and any other maladies, the cause of which is not understood, or which do not readily yield to the ordinary medicinal means, in the use of which Mushéras excel. Mohani means soother, enchantress. The sorcerer keeps by him a little stone image of this goddess the height of which is from 6 inches to a foot and a half—the only real image met with in the religious rites of Mushéras. The method pursued by the medicine man is to gain the favour of Mohani by repeated prayers, fastings, and offerings, and having won her over by these means, to use her as an intercessor with Banaspati, that great being, who has all spirits, all diseases, in fact all life and death, under her command. He commences his courtship of Mohani with fasting every Friday and every Monday (the two days most sacred to Banaspati), from Magh (January) to the end of Chait (March), eating only in the night time on such days. In the month of Baisákh (April), “when the child Banaspati was born;” on the Monday or Friday, whichever day comes first, he collects fresh flowers, fruits, and bones from the jungle ; buys a cock from some Khairwar or man of other outside tribe (for Mushéras themselves do not rear fowls) ; takes a lustral bath in the nearest river ; pounds some gheori root and chiraunji nut into flour, and mixes it with honey into a kind of sweetmeat. He then washes the little idol on which his hopes depend, places the flowers and sweetmeat before it, decapitates the cock, causing its blood to trickle directly over the head and into the very mouth of the idol, and prostrating himself before the goddess, prays to her in the following words:—

*Hít dudhali Mohani pásas kuiyá chero pallo dudhali Banspati sag bho.
Take pity Mother Mohani on thy servant, and intercede for him with
Mother Banspati.*

* Colonel Dalton's Ethnology of Bengal, p. 129, 135, 132, 258, 268.

In the evening, after keeping a strict fast all day, he returns to his family, giving them the sweetmeat, but suffering no one but himself to eat the cock, such food being only fit for the servant of Mohani, the enchantress. The same process is steadily kept up in the following months till Kuár, the month of the anniversary of Banaspati's wedding, by which time he hopes that the favour of Mohani has been secured, and that her intercession with Banaspati has not been in vain. During the nine days of the Karm festival he maintains a strict fast, eating a small meal only at nights, and abstaining from the revelries in which others indulge in that festive season. While this season lasts, he seeks to propitiate Banaspati by offerings of boar, goat, wine, bangles, earrings, *sendur* or vermilion, a *tikali* or spangle for the forehead of married women, a piece of yellow cloth,—everything, in fact, which she as a bride would value most for her own adornment on her wedding day and for the marriage feast to be kept by herself and spouse. At last, at the close of this long fasting, meditation, and repetition of magical words, the trembling fit, called *abhuána* by Hindu villagers, and *dars* by Mushéras, sets in.* He has been possessed by Banaspati. In a fury of excitement he seizes a young boar, bound ready for the purpose, by its hind legs, and swinging it over his shoulders dashes its head again and again on the ground, and leaves the battered carcass on Banaspati's altar after tasting some of its blood, the goddess and her votary being for the moment one†;—a state of ecstasy a few degrees less savage than that of the inspired medicine man among the Haidas of the Pacific States, who “springs on the “first person he meets, bites out and swallows one or two “mouthfuls of the man's living flesh, wherever he can fix his “teeth, and then rushes to another and another.‡” If his first experiment as a wizard or medicine man is successful, he becomes thenceforth a professional exorcist, and can be called upon to cure diseases which medicinal herbs cannot cure, and to interpret the movements and wishes of the unseen spirits of the air. If his subsequent attempts at exorcism do not always turn out successful, he always contrives to find out some way of explaining away the failure.

When the medicine man is called in to operate on a person possessed, he first bathes in a river, and then enters the patient's

* The word *abhuána* is not marked however in any Hindi Dictionary, that I have seen. It is the technical word used in Hindu villages for the trembling fit which seizes the inspired medicine man.

† If the goddess were not actually in the man and one with him, it would be the height of profanity for a sacrificer to taste blood intended for the deity.

‡ Herbert Spencer's *Sociology*, p. 289.

hut, carrying in his hand a branch of bamboo, which he fixes into the *chauri* or mud altar floor (already described) that is set apart for Banaspati in the corner of the hut. The bamboo, as the reader already knows, is the shrine or sanctuary of Banaspati, the visible token of her presence, whenever prayers and offerings are made to her in the open air; and hence the fixing of the branch into the altar floor is an invitation to her to enter the sick man's hut and relieve his sufferings. The exorcist, after offering rice-bear or wine, fruits, and flowers to the goddess, repeats the following prayer or *mantra* in the Mushéra tongue:—

*Timro dudhali Banspati hit chimlo barri barro girwat
hutnu katmal hito ku.*

"Come, Oh Mother Banspati, behold this sickness and expel the dead man's spirit from the patient: blessing be to thee." If the leaves of the bamboo quiver, that is a sign that the goddess has entered the hut and taken her seat on the branch. The sorcerer himself on beholding this is seized with a fit of trembling and fancies that he is himself possessed. While he is in this ecstatic condition, he declares who and what the evil spirit is, why it has possessed the patient, and what must be done to remove it; and if the patient recovers under his treatment, it is believed that he has sent Banaspati into him to dispossess him of the persecuting goblin.

As an example of the strength and universality of the belief in spirits and in the power of medicine men to expel them, we will quote a few passages shewing how firmly the superstition has maintained its hold even in modern Greece, where the Christian priest (or Popa, as he is there called), is himself the sorcerer:—

"Many of the liturgies are performed under cover of night, and at the dark of the moon. A mother may be seen carrying a sickly child to church, that the priest may read an exorcism over it to drive away the demon which she thinks has possessed it: for this he receives twice as much as for a liturgy during the day. The priest again will be summoned by a farmer whose shed is infested by rats and mice, to exorcise the same: under an ancient olive with gnarled stem and creeping branches he will read the liturgy to St. Tryphon. . . . The priest has a cure for fever too. He writes on a scrap of paper, *Mother of god, divine miracle*. This he ties round the sufferer's neck with a red thread, and goes away with a fee in his pocket or with a basket of bread and figs on his arm."* Another

* The practise of tying scraps of paper, inscribed with certain words, round the limbs of a patient, is common amongst Mahomedans in India. A case occurred lately in my own establishment. The gardener,

author writes as follows on the same subject :—"The priest, "who is called a Popa, would not make much of a living were it "not for the money he receives from the Greek woman or girl. "For instance, she has a sister, or a mother, or a cousin, or an "aunt, ill. Off she goes to the Popa, especially if he is in charge "of a holy shrine, where miracles are worked, and she buys a "candle of him at a good round price, lights it and prays for "the recovery of her relatives. Or she is going on a journey "and wishes it to be successful: what more natural than that "she shall go to the Popa: buy a candle, say a prayer, and "ask him to be kind enough to give her a drachm's worth of "intercession?*" After reading such accounts we need not be surprised at the prevalence of witchcraft or sorcery in a more backward country like India. Here there is not a tribe or caste, whether Hindu or Mahomedan, which does not either produce or patronize men of the class of sorcerers. Amongst Hindus they are known by the name of the *Siyokiá*, *Niyotia*, *Ojhá*, or *Jun-kwá*. Amongst Mushéras the name is *Naharu*, so-called from the word "*nahar*," a horse. Hence "*naharu*" means one who is being ridden, one possessed and controlled by the goddess, and therefore able, through the help of the goddess, to expel the evil spirit.

The spirits which take possession of men in India are, or may be considered to be, of three different classes :—(1) The souls of dead relatives, male or female, whose funeral rites have been neglected, or who have died a violent or unnatural death, as by a fall from a tree, or by the jaws of a tiger, or by drowning, or by fire, or by poison, or in child-birth; for this last, too, is regarded as an unnatural kind of death. (2) The souls of the dead of some other family sent by that family to distress some one by way of enmity. (3) A host of goblins (*blut* or *pret*) whose individual origin and history are not traceable. These have become traditional, and make up the stock in trade, so to speak, of Indian demonology; such as *churail*, the ghost of any woman who may have died in child-birth; *Chamardokh*, some Chamar slave or serf who has died of ill-treatment by his master; *Birm Bhut*, some Brahman who has been ill-treated or neglected in the hour of need; *Ajiya Baital*, the will-o' the wisp, and many more. No country has ever more fully realized than India the doctrine of Thales, *κοσμος ἑαυτονων πληρης*. Goblins or deities, (for

a Hindu, had been bitten by a snake on the foot. The water-carrier, a Mahomedan, immediately tied all sorts of texts around his limbs and repeated certain prayers. The gardener attributed his recovery to this performance.

* The first quotations are from *Rhodian Society*, MacMillan's Magazine, August 1885, p. 303. The second are from the *Pioneer*, dated 6th October 1887, a daily newspaper published in Upper India.

either name may be applied with equal correctness), people it at every point ; and there is no moment in a person's life in which some *blut* or *pret* may not seize him. For cholera and small-pox the aid of the medicine man is not invoked : for the goddesses who inflict these maladies are too powerful to be dispossessed by any other goddess, whom the medicine man might inject into the patient. For other kinds of seizures he is expected to work a cure either through the deity (generally a goddess), whom he has made his own, or by disclosing the name and personality of the goblin and declaring what must be done to appease it.

Banaspati, as we must add before leaving her, has many characteristics in common with Káli or Durgá, the great goddess of Hindus ; and should be reckoned as one of the almost innumerable variations of this ubiquitous and many-named divinity. Banaspati, like Káli, is the goddess of life and death. She presides, like Káli, over child-birth. Mondays and Fridays are the days sacred to both. In the name, and by the power of these goddesses, evil spirits are cast out. By the Muasis and Gonds of Chutia Nagpur the goddess associated with Ghansám, in the Karin festival, is Káli herself, as Banaspati is in the same festival by Mushéras. Both goddesses delight in the blood of male victims, and especially of human victims. Banaspati is honoured with blood offerings from the ball of men's hands, just as Káli is by blood offerings from women's breasts. In the worship of Káli, even amongst the strictest Hindus, the Brahman does not act as priest ; but Brahmans may be among the worshippers, employing some low caste, unregenerate man, such as a Pasi, a Dom, or a Mushéra of the village jungle to go and sacrifice a cock or boar to her in his name. What distinguishes Banaspati from the other variations of Káli is her close connection with the forest. In this respect Banaspati resembles, but surpasses, Banki, the forest goddess of Bihors, Bandevi of Saharias, Surna Barhi of the Oraons, and Maburu of the Mundas. Amongst those Kolarian tribes which have taken largely to agriculture, and abandoned the less civilized life of the forester and hunter, the Sungod or the Earthgoddess holds as high a place as Banaspati does to Mushéras, and from a similar cause. But even among these "the grove deities are held responsible for the crops, and are especially honored at all the great agricultural festivals." Another observer has pointed out that when the "Gonds fell the wood "on a hill side* for purposes of agriculture, they leave a little

* On the forest goddesses named in the text (except Bandevi of Saharias), see Dalton's *Ethnology of Bengal*, p. 220, 257 and 188. On the responsibility attached to the Sylvan deities, see his remarks in p. 246, 186 and 188.

"clump to serve as a refuge for the elf or spirit whom they have dislodged."* Such facts confirm the explanation hazarded in an earlier part of this essay as to the foundation of the custom by which Museras in the plains, the known worshippers of Banaspati, are invited to dwell in the little patches of forest in the neighbourhood of Indian villages; why they are everywhere employed as field-watchers and guardians of the crops until the harvest is cut; and why they are invited to set fire to brickkilns and propitiate the dislodged Banaspati before doing so.

There are two goddesses immediately subordinate to Banaspati. One is Mohani (already described), who represents Banaspati in her character as enchantress, expeller of evil spirits. The other is Phulmati, a name designed to designate her as the goddess of fruits. Each has a worship peculiar to herself.

There are two more gods to whom we must allude before concluding: Bhairon, and Parihar or his equivalent Madain.

Bhairon is the phallic deity to village Museras, as Ghansam is to the hillmen or Paharis. The story of Ghansam is unknown in the plains, where the Karm festival, with which Ghansam is associated, is not held. Bhairon is an inferior type of Shiva or Mahadev, the phallic deity of all classes of Hindus; though Bhairon is patronized equally with Shiva by several of the lowest castes. Mahadev rides a bull, and Bhairon a dog, whence the latter is sometimes called Swaswa, or "one whose horse is a dog." A little mud pillar, about a foot and a half high intended to represent a lingam, is put up in honor of Bhairon, as to Ghansam. The worship of Bhairon is habitual rather than periodical; and at most of the Musera huts or hamlets, in the neighbourhood of Indian villages, a Bhairon mud pillar may be seen.

Parihar, the god of wine, is known to both classes of Museras, but better known to hillmen than to those living in the plains where his place has to a large extent been taken by Madain, the wine goddess, so familiarly known to the lowest castes of Hindus,—another of the great goddess-mothers who represent the indigenous, and to this day the most popular form of religion in India. Before drinking wine or rice-beer a man usually throws a few drops on the ground to Parihar or Madain, just as Hindus of the confectioner caste (Halwai), in the process of extracting juice from the sugar-cane, throw a few drops against the mud wall of the sugar-press to Ganesh, the god of luck, and men of the physician caste (Baidya) throw

* The observer is Captain Forsyth. The words in the text are quoted from Sir A. Lyall's Asiatic Studies, p. 16, where Captain Forsyth's remarks are alluded to in a foot note.

a drop or two of medicine to Dhanwantari, the god of healing. No image or emblem is put up in honor of either Pariháṛ or Madáin. The wine itself is the deity; and there are few men who are bold enough to take a false oath holding a cup of wine in their hands.

One peculiarity to be noticed in connection with the worship of all these divinities is the absence of images and temples. The only instance of an idol is the little stone image of Mohani which the medicine man keeps by him as the talisman through which he induces her to intercede for him with Banaspati. The lingam erected to Ghansám or Bhaíron is a mere mud-made cone, put up in the open air, and subject to being washed away by the rain; very different from the polished and consecrated stone emblem erected to Mahádev under the solid dome of a painted Shivite temple. Banaspati, the supreme deity, has no better sanctuary than a clump of bamboos, at the time when her presence is invoked. The only altar set apart for depositing offerings to any god or goddess is a little mud-made square raised an inch or two above the level and smeared with water. The religion of Mushéras is in too primitive a stage (and the same may be said of most of the other hill tribes)* to require the accessories of idols or temples. To a people who worship such objects as trees, fire, rivers, and the tribal tool, a clump of bamboos gives a better idea of the presence of Banaspati than could be furnished by a representative idol.†

* Colonel Dalton, in his *Ethnology of Bengal*, points out that there are no images or idols among the Mundas, Hos, and Bhumij, p. 485; none among the Khairwars or Cherus, p. 126; none among the Parheyas, p. 131; nothing but a split bamboo or a round piece of wood among the Birhors, p. 220; nothing but a stone, or a wooden post, or a lump of earth among the Oraons, p. 256; nothing but a black stone, or a bel tree, or a muknum tree, or wooden images, which are discarded each year, among the Malers, p. 268, 271; nothing but stones or some object like a battle-axe or iron chain among the Gonds, p. 281. The religion among all the hill tribes described by Colonel Dalton is chiefly one of sacred hills and sacred groves.

† If we carry the comparison into other parts of the world, we learn from Mrs. Gordon Cumming, *At Home in Fiji*, Vol. II, that "both Maoris and Fijians are remarkable for an almost total absence of any outward and visible representation of the gods whom they worship," p. 191-2. Again we are told by Mr. Johnston, *The River Congo*, p. 158, that "when he mentioned the word for *idol*, and pointed to certain logs shaped like men, the men and women gathered round and laughed contemptuously." From Forbes' *British Burma*, p. 271, we learn concerning the wild tribes of British Burma, "that they have no images, nor, properly speaking, any visible object of worship." From Miss Arabella Bird's *Unbeaten Tracks of Japan*, Vol. II, p. 94-5, we learn that the Aino worship natural objects themselves "attaching a vague sacredness to trees, rivers, rocks, and mountains, and vague notions of power for good

Another peculiarity in connection with the Mushéra rites (and the same remark applies to the Kol tribes generally) is that the head of the victim is the part offered to the deity. This is always left on the altar with as much blood as can be poured on it: the carcass is then taken away and divided among the sacrificers. In the days of human sacrifice, it was the head of the man or boy which was placed on the altar of the goddess. Makará, the Cheru king and father of Deosi, after slaying Sánwar, the Ahir, made a great point of cutting off his head and carrying it away to Pipri and offering it to his guardian goddess, Behiya, to whom he owed, as he thought, his victory.

The oaths and ordeals in force in the tribe are necessarily of the same character as the religion, of which they form a part. As we have shewn already, Mushéras take oaths in the name of Banaspati, in the name of Mahábir, and on a tiger's skin in the name of Bhágwat. These oaths are all much dreaded. Oaths are also taken on wine, in the name of Parihár in the hills, and in that of Madáin in the plains.

The ordeal common to all branches of the tribe is the water test,—evidently a purely aboriginal custom, like that of river-worship. Whether the river be the Son or the Ganges, or any of their tributaries, or in fact any other river on which they are wont to depend for the life-giving water, the process is the same. The question of guilt or innocence is decided by throwing the two disputants into the stream. The man who rises first is declared guilty, because the pure element hastens to throw him up and discard him, while it retains the innocent man until he rises of his own accord to take breath. This water-ordeal is of wide prevalence among all the un-Brahmanized tribes, by whom rivers are regarded as sacred. The Brahmanized castes have given greater prominence to the various forms of ordeal by fire.

The reader will have gathered from the foregoing account what are the main points of difference between the religion of village Mushéras and that of hill Mushéras. With much that is common to both, there are points in which the creed of the former slides gradually into that of Hindus. Both have the same veneration for fire when it is drawn out of wood by friction, for the tribal tool, for the tribal ancestor (Deosi), for the ape, for the aboriginal ape-hero (Mahábir), and for Banaspati, the great mother of the world. But village

“or evil to the sea, the forest, the fire, and the sun and moon:” and that the only outward symbols ever put up are “wands and posts of peeled wood, whittled nearly to the top, from which the pendant shavings fall down in white curls.” These last tokens are very similar to those used by the tribes of Central India.

Museras have substituted the pipal tree for the deodár, the Ganges river for the Son, a vague worship of Suraj (the sun), for an equally vague worship of Indra (the sky), the phallic Bhairon for the phallic Ghansám, the wine goddess Madáin for the wine god Parihár, the Dehati Bhuts or traditional village goblins and vampires of Hindus for those of their ancestral hills and forests and the use of brass cymbals in their religious music for that of the *kartúl* or wooden hand-clapper. They have given up Bhágwat, whose worship is not now necessary in the plains where tigers are scarce; and they have acquired the worship of the cow and of Káli, Káli herself being merely Banaspati in another form. The most striking approach to Hinduism that I have met with was that of a Musera *bhagat*, that is, one who makes it the first article of his creed to abstain from flesh-diet in any form and from the use of fermented liquors, the widest possible departure from the original instincts of the tribe whose very name Musera signifies "flesh-hunter." There are several tribes in the hills who use an ant-hill as an altar for worshipping the sky or sun. Museras in the plains use the ant-hill as an altar floor for worshipping snakes, as as Hindu's do.* Thus by a few changes of name, place, and surroundings the aboriginal creeds melt imperceptibly into the lower grades of Hinduism. There is no saying where the one begins or the other ends. For Hinduism itself is not a single creed, but a medley of many creeds, drawn partly from Aryo-Vedic and partly from aboriginal sources; worked up into a system or the appearance of one; dovetailed into Vedic rites and divinities, whose names have been preserved without their nature; decorated with idols, temples, festivals, and processions; and set forth in a verbose and high-sounding literature which the Brahman who constructed it will allow no one but himself to interpret.

The Hindu religion goes with the Hindi language, just as the Roman type of Christianity goes with the Latin or neo-Latin tongues. Museras living in the plains have long forgotten their ancestral speech; yet their adoption of Hinduism is still very slight, less pronounced even than that of Páris and Chamárs: for they seldom or never take any part in the general religious gatherings, such as the Holi, the Ram Lílá, &c., in which all Hindus, of whatever caste, are permitted to join; and they do not even live within the precincts of a Hindu village community. In India a man's religious, and with that his social, status depends largely upon the extent

* This worship of snakes is kept by Hindus periodically as the festival of Nagpanchami. The worshipper bathes that day, and brings milk and parched rice to an ant-hill, where he bows his head to the earth, believing that the ant-hill is the top covering to the nether world of snakes.

to which he binds himself in the matter of eating and drinking. Mushéras will eat the leavings even of Pásis and Chamárs, (excepting in the case of cooked rice), and consequently in the eyes of the general community they rank below Pásis and Chamárs, and are regarded as outside the pale of Hindu caste and of the Hindu religion. Socially, therefore, Mushéras are at the very bottom of the scale, and take rank with such very degraded and despised tribes as Kanjars, Natṣ, and Doms, although in their manners and private life they are more gentle, and in many other respects, superior. There is no tribe, however, so degraded that Hinduism cannot find a niche for it. A Mushéra can act as priest of Sitalá, the goddess of small-pox, and for Mari Pari, the goddess of cholera, when no other man can be found to accept the offerings made to them; and we have shewn already (in our account of the industries of the tribe) that no one but a Mushéra can be employed by higher caste Hindus to propitiate Banaspati at the lighting of brickkilns or to protect the rising crops from the elfs and goblins who frequent the fields at midnight.

I will conclude with a brief sketch of what I saw at a Mushéra hamlet near a village called Arauli, within 10 miles of Fyzabad, the second city and once the capital of Oudh. This hamlet contained within itself many of the main characteristics, religious, industrial, and domestic, peculiar to the tribe, and presented at a single glance what it has taken many pages to describe.

The hamlet consisted of 3 or 4 huts, with a population of some 12 persons; a larger aggregate than is usually met with in this broken tribe. The height of the walls of each hovel did not exceed 3 feet; and they were made of puddled clay. The inmates crawled in and out at the openings on all fours, like sheep or goats. The huts stood to each other something in the form of a square, with one side open. In the middle was a kind of nest made only of twigs and branches exactly similar to what may be seen in the hills of Mirzapur, the original home of the tribe. Against one side of this leafy hovel was seated the granddam of the hamlet, who in old days would perhaps have been killed as a witch. She was basking in the sun, with her knees doubled up under her chin, and folds of long coarse hair falling down over her wrinkled face and withered neck and shoulders. Against another side was seated a younger woman, nursing a child about 2 years old, who gave proof of her Mushéra lineage by not wearing bangles on her wrists, as married women invariably do amongst Hindus. The hamlet stood at the extreme point of a large *dhák* jungle, one arm of which ran out into a wheat field like an arm of land into the sea. Two sides of the hamlet were surrounded by the jungle, and

the other two by the wheat field ; and nothing but the thatched roofs of the huts could be seen above the full-grown wheat. The headman of the hamlet had charge of the surrounding crops as night watcher, protecting them not merely from men and animals, but from the unseen spirits of the air, the dislodged sylvan elfs whom none but the Mushéra could propitiate. In the corner of the main hut inhabited by the headman, was the *chauri* or little mud altar to Banaspati, on which he occasionally sheds drops of blood from the ball of his own finger. On the ground outside the hut were lying two *gahdúlas* or spade blades, facsimiles of the specimen which I had procured sometime before from the Mirzapur hills. In a corner where two huts met was a heap of husks of the *kutki* grain, to which Mushéras are so much attached. Hard by was the millstone in which the grain was husked—an upper stone without a nether one. In another corner there was a heap of bulbs, which the headman called *gut*, and of which the virtues and even the existence (he said) were known only to men of his own tribe.* Near at hand was a specimen of the plant itself, a creeper growing up a dhák tree. Standing in a row against the wall of one of the huts were 7 or 8 earthenware pots, all of which, being more or less broken, had been discarded by the people of the neighbouring village. In one or two of these was a pile of seed preserved in sand, intended to be prepared some day for sale as medicine. Fixed in the sides of the leaf hut used by the woman and child were several feathers of a peacock which, as the granddam explained, were a safeguard against evil spirits (*bhut*) and against that evil bird of the night called *muá*, whose cry summons men to death. At the side of the same hut I observed the shell and skeleton of a small river tortoise. On the roof I noticed a pile of leaf plates, very neatly stitched together, which had been made that day, as the headman told me, for the Thákurain or landlady of the estate on which they were living. He admitted the rights of this Thákurain to the wheat-fields ; but contended with much warmth that the dhák jungle was his own. Close outside the enclosure, and almost concealed in the wheat crop, was the shrine of the hamlet. This consisted of a small mound of mud, the phallic emblem to Bhairon, supported on either side by a discarded

* They keep a stock of such bulbs by them in case other food should run short. Each bulb is cut into one or two pieces and soaked for some five days in order to take out the bitter taste. Thus soaked, it is said to be useful as food ; and the juice that comes out of it into the water is useful, they say, as a cure for pain in the back. I took away a specimen of the bulb with me, and placed it in a drawer, which I happened to leave slightly open. In the rainy season the bulb sprouted inside the drawer and sent a stalk outside of it.

elephant (made of burnt brick) intended for Kálí. These figures were surrounded by purple tulsi plants sacred to Vishnu and by datura plants with seeds in full pod, whose maddening juice is beloved by Shiva. Under one of the elephants lay a little drum made of dried lizard skin, and furnished with minute brass cymbals, which tinkled whenever the drum was shaken. A little further off was a well, peopled with frogs, used by by other men for watering their cattle, but by the Mushéras for quenching their own thirst. By the side of the well was a banyan tree, under whose shade the camels of the landlady were tethered at night. Up the tree in a fork where the trunk diverged was a heap of straw where the Mushéra in charge of the camel slept or sat at night. Further away in the jungle was the shell of a brickkiln, which had been lighted by the Mushéra headman after making an offering in newly made fire to his patron goddess Banaspati.* He took me further into the jungle, and shewed me a nest of the dhusru bee, that strange little black bee, very much smaller than the ordinary fly, but with wonderful capacities for making honey. On our way in the jungle we came upon a herd of cattle tended by one or two Ahirs, the old enemies of the tribe, but now their neighbours and friends. He told me that he collected medicines for the village druggist; and he convinced me of his knowledge of herbs by pointing to a dead stalk under which he said were roots whose juice was a remedy for fever. After saying this he dug up the ground, and produced some six or eight thin wiry roots of a glistening whiteness. He told me that he worshipped the *gahdāla* in the Diwali season, but never joined in the Holi or other festivals or went near a Hindu temple. He had heard of Deosi, and of the battles which Deosi and his father Makará once fought with Ahirs; but he added that such things were better known to men living in the hills. When questioned about his ancestry, he told me that he was of the Savari lineage, thus corroborating the testimony which I had received from other Mushéras in quite another district; and that his ancestors were once kings and masters of the forest. I felt some veneration for a man who could repeat such ancient traditions regarding the fallen fortunes of his race. Soon afterwards I saw him hobbling towards me half stupified with the bhang (hemp) which he had purchased out of the reward I had given him.

* A brickkiln in Upper India is built in the form of a solid oblong, through which openings are made at the base for the insertion of fuel. In order to shut in the heat, mud is piled all round the sides. When the bricks have been taken out, the mud walls remain, and these constitute the shell referred to in the text.

The following is a vocabulary of such Mushéra words as I have been able to collect. Very few, if any, of these words are now known in the plains:—

ENGLISH.	MUSHERA.	ENGLISH.	MUSHERA.
Obsequies.	Ut.	Mother.	Dudhali.
Fire place.	Anka.	Runner.	Dhorai.
Blessing.	Imiriya.	Palanquin.	Dānri.
Sent.	Berlis.	Father.	Dokar.
Sickness.	Barri.	Obsequies.	Ram.
Sick person.	Barro.	Wife.	Rangaf.
Seed.	Bengá.	Conjugal delight.	Ráso.
Where.	Birmis.	Father in-law.	Ráwat.
Music.	Bagro.	Mother in-law.	Routáin.
Musician.	Bagariya.	Being.	Ramif.
Girl.	Bori.	Shout.	Ruruf.
Boy.	Boro.	Uncooked rice.	Súpar.
To eat.	Boglo.	In the power of.	Sag.
Take.	Bal.	Having done.	Kuiya.
Mouth.	Bálar.	Pulse.	Kelái.
The elder brother of a husband.	Bhasur.	Bed of flowers.	Kabuá.
The wife of the elder brother of husband.	Bhasuri.	Hurrah.	Kú.
Here.	Bhú.	Grazer of cattle.	Kirhuliya.
Sister.	Bheoni.	Dancing woman.	Kero.
Younger sister.	Páyal.	A kind of grain.	Kutki.
Younger brother.	Pailo.	Wine.	Káv.
Boiled rice.	Pích.	Skin.	Kenchul.
From.	Potis.	Ghost.	Katmal.
Water.	Popal.	Do or did.	Kur.
Eat thou.	Pokpá.	Again.	Kimal.
Kindness.	Pásas.	Lizard.	Khunkhar.
On.	Pallo.	Boy.	Gídar.
Bird.	Kurri.	Turn aside.	Girwat.
Tamarind.	Tulí.	Red pepper.	Lauká.
Mat.	Tálgachh.	A kind of fish.	Letámis.
Come thou.	Timro.	Gun.	Lásá.
Came.	Timran.	Younger brother of a husband.	Lagwár.
Boat.	Tarari.	Wife of a younger brother of a husband.	Lagwárin.
Boar.	Taráú.	King or prince.	Nadar.
Groom.	Thanhwár	World.	Magnú.
Give.	Thambho.	Court or palace.	Madariya.
Gone or went.	Taulis.	Fruit.	Mahlu.
Said.	Tiplo.	Honey.	Matri.
Dancing.	Téplis.	In, under.	Mahrin.
Cocoon.	Takí.	Sweet.	Metal.
Kind of fish.	Jigí.	Tortoise.	Mautha.
Boy.	Jigdar.	Jungle.	Mahrá.
See.	Chimlo.	Mountains.	Maunrhá.
Saw.	Chimlan.	He-goat.	Molhni.
Flour.	Chún.	She-goat.	Molhné.
Worshipper.	Chero.	Horse.	Nahar.
Bridegroom.	Chimla.	Ridden.	Naharu.
Bride.	Chim f.	Groom.	Paitá.

ENGLISH.	MUSHERAS.	ENGLISH.	MUSHERAS
Husband's sister.	Namri.	Explained.	Nirjas.
Husband of husband's sister.	Namrin.	His or our.	Hu-i-yá,
Brother-in-law.	Napiá.	Town.	Hadariya.
Wife of brother-in-law.	Naplá Rangwi.	Village.	Hadar.
Sister-in-law.	Napli.	Thou.	Hit.
Silent.	Niyai.	To thee.	Hito.
Made.	Niberi.	Slayer.	Haunk.
		Dead person.	Hutmú.

JOHN C. NESFIELD.

ART. II.—CAMPAIGNS AGAINST INDIA.
[Continued from January 1888, No. CLXXI, p. 202]

CHAPTER V.

ON the 1st of the month Safar 932 of the Hijra (corresponding with the close of the month of October 1525 A. D.) Babar despatched his army for the final subjugation of India. After passing the height called Yok-Langah, he pitched his camp to the west of the Yakub stream, and on the second day reached Badam-Chakh-Makh.

On the 8th of the same month, Babar himself reached Gandamak, and on the next day he arrived at Bagh-i-Wafa, where he made a long halt, pending the arrival of his other troops under the personal command of his son, Humayun. On the 17th of the same month Humayun arrived, and that very night the united forces moved onwards and pitched camp in a garden between Sultanpur and Khwaja-Rustam.

On the 28th of the month above named, Babar's army reached the banks of the Indus, and on the 1st of the month Rabi-ul-Ahwal it crossed first the Indus and then the Hurroo*, on the banks of which river camp was pitched.

In order that there might be no chance of grain running short, Babar marched his army thence towards Sialkote † by the road which skirts the hills. The Jhelum was crossed by a ford just above the town of that name. Two days' march brought his troops to the banks of the Chenab and so to Sialkote. Babar's route hence lay through Perserur, Kilanur and the passage of the Beas river, opposite Kanuakhin, and so on to the castle of Miluat to which he laid siege. After possessing himself of this point and of all the fortified places in the adjacent hills, Babar pitched his camp at Rupar on the Sutlej. His next halting place was at Kernala, opposite Sirind. Two more marches brought his troops to the banks of the rivers Banur ‡ and Sanur where camp was pitched. Here Babar

* Speaking generally, the whole of the rivers of northern Afghanistan are very difficult to cross, excepting reaches of the Kama and Kabul rivers. But Babar has demonstrated to us that by means of light and specially constructed rafts, troops can be rapidly moved from one place to another, even across rapid mountain streams. By means, therefore, of steam launches, manned by bold crews, the river Kabul and its feeders could be made to play a great part in war operations, for such launches could be moved rapidly over the many important strategical points of the Kabul valley and might even make their way to the Indus.—*Author*.

† Sialkote lies on the Chenab from 40 to 50 *versets* (30 to 35 miles) to the east of the town of Wazirabad.—*Author*.

‡ On Russian maps, Banur. It lies to the north of Umballa.—*Author*.

received intelligence that the Emperor of India was to the north of Delhi * and was advancing against him, accompanied by Firuza, the military governor of Hissar.† On receipt of this news Babar pushed forward two advanced guards, one in the direction of the enemy's main body, the other towards Hissar.

On the 13th of the month Jamali-ul-Ahwal, Babar's army marched from Umballa and pitched camp on the border of a lake. Here he made his dispositions for a forward movement. The right wing of his army, reinforced by a portion of his centre, he placed under the command of his son Humayun, with orders to operate in the direction of the enemy who was advancing from Hissar. Humayun having sent out a weak reconnoitring party, consisting of 150 vedettes, these soon found themselves in a fierce struggle with the Indian forces, but Humayun rapidly pushed forward his main body and the Indians immediately withdrew with a loss of 100 killed and the same number of prisoners. For this achievement Humayun, who was at this time a youth of 18, was handsomely rewarded.

Babar now advanced in force towards Shahabad where he learnt that the Emperor of India was moving slowly forward, making marches of from 3 to 6 *versts*, (2 to 4) miles only, and then halting at each place for from two to three days. Babar accordingly made a double march and pitched his camp on the banks of the Jumna. Thence having made two more marches down the river, he received intelligence that the Emperor Ibrahim with a force numbering 6,000 men had crossed to Mayan-i-Doab. Babar now directed his left wing to cross the river, and attack the enemy. At dawn on the day following the Indians appeared in sight. The result of the engagement which followed was that Babar's left wing reached the heights on which the Indian Emperor's camp was pitched, and killed the officer in command of the enemy's forces besides capturing another general. Babar now prepared to attack the enemy's main body, but an inspection of his forces convinced him of his great numerical inferiority. He accordingly convened a council of his chief officers, and at this it was decided to take up a defensive position at Panipat, where the advance of the enemy should be awaited and battle given at a point least advantageous to the Indian forces. Eight days having elapsed and there being no signs of the enemy's advance, Babar *decided upon making a night attack* with a force of from 4 to 5,000 men, but the troops detailed for this service not having mutually agreed upon a common

* Between Delhi and Bunur the distance is approximately 220 *versts* (150 miles).—*Author*.

† Hissar lies 130 *versts* (90 miles) to the west of Delhi, and 170 *versts* (113 miles) from Umballa.—*Author*.

rendezvous, the movement was carried out in confusion, and so the attackers found themselves at a place that was not favourable for the success of such an enterprise. Though the movement was not a successful one, Babar's troops retired fighting in perfect order and without suffering any loss.

On the 8th of the month Radjab, Babar received news from the front that the Indian forces were approaching in great strength. Accordingly he made the following dispositions for a battle. His right wing was under the command of his son, Humayun, his left under that of Muhammad-Sultan-Mirza, the command of his centre, consisting of the right and left divisions, was entrusted to Chin-Timur. Khozreff-Keikuntash commanded the advanced guard and Abdul-Azisu-Mirakhur had charge of the reserve. At either flank of the two wings, bodies of Mongols were placed, with the object of carrying out a turning movement. The Indian army now rapidly advanced, but as the distance between the opposing forces lessened, the Indians on being confronted by Babar's well disposed battle array perceptibly wavered. This display of indecision did not escape the piercing glance of their opponent, who directed his two flanking parties to envelope his enemy's rear, whilst he himself led his right and left wings forward to make a frontal attack. This flanking manœuvre was carried out in a very brilliant manner, and at the same time the *swivel-guns*, which were in the centre of Babar's line of advance, made some very successful shooting, whilst the commander of the artillery posted on the left centre, opened a murderous fire from his *harnessed guns*. As the Indians were unacquainted with artillery fire, the battle soon went against them, for by this time, at nearly all points, Babar's troops had assumed the offensive.* The Indians now made an attack against both of Babar's flanks, but being met by a fierce fusillade, they were thrown back in great disorder on their own centre, and got into such complete confusion that they could move neither forward nor backward. The fight raged from early morn till noon when the Indian army was finally routed, leaving heaps of their dead on the battle field. Round the corpse of the Emperor Ibrahim there lay 6,000 of his slain followers, whilst in other parts of the field were counted the bodies of 16,000 of his soldiers. Babar, who was not yet aware that the Emperor had fallen, moved forward *en masse* and completed the rout of his enemy by a last pursuit. This decisive engagement opened out to him the way to the throne of the Indian Empire.

* Babar's army was nothing like as numerous as the Emperor Ibrahim's, but it was more skilfully handled. The several bodies of the Indian forces, in fact, got in each other's way, and so allowed of their being out-flanked.—*Author*.

Babar at once directed his son Humayun to make a rapid march on Agra for the purpose of securing the treasury of the defeated and slain Emperor, and he at the same time despatched another force to secure the fort of Delhi.

Babar himself marched on Delhi which he reached on the evening of the 3rd day. The city having been occupied, everything of value was placed under the seal of the conqueror. The second day, being a Friday, the *Khutba* was pronounced in the name of the Emperor Babar, who thus became the recognised sovereign of the throne of Delhi.

After a halt of four days, the newly proclaimed Emperor of India proceeded towards Agra by forced marches, and within a week this place was occupied without opposition. Having reached the position of Emperor of India, Babar now practised moderation. Thus, the mother of the fallen Emperor received a grant of land bringing in a revenue of 8 *lakhs* of rupees, and on each of Ibrahim's nobles were bestowed similar proportionate marks of Babar's clemency.

For the final consolidation of his sovereignty there remained for Babar to subdue the famous Hindu potentate Rana-Sanka, a personage who had hitherto contrived to hold himself independent of Mussalman supremacy.

The founder of the dynasty in India, known as that of the Great Mogol, gives in his Memoirs the following brief history of his subjugation of Hindustan:—

"From the year 910 of the Hijra (corresponding with years 1504-1505 of Christian reckoning) when I possessed myself of the Kabul principality up to the time when there occurred the events of which I am now speaking, *I never ceased to think of the conquest of Hindustan*, but I never found a suitable opportunity for undertaking this task owing to many and various causes. But at last in the year 925 of the Hijra (corresponding with the year 1,519 A. D.) I set out at the head of my troops, and between that year and the year 932 (1525-1526 A. D.) *I entered India at the head of my army five times in the course of seven or eight years.* In the course of my fifth campaign against India in which I overthrew Sultan Ibrahim and possessed myself of his sovereignty, though I then had a stronger army than on any of the previous occasions, even this army did not exceed a strength of 12,000 men including my suite, camp followers, and personal attendants. And although the principalities of Badakhshan, Kunduz, Kabul and Kandahar were under my rule, I not only could not draw therefrom any considerable aid of any kind, but I was on the contrary often compelled to come to the assistance of those possessions when they were beset by my enemies. Thus the whole tract of country

known as Mawarannagar was under the rule of Khans and of Sultans who could dispose of 100,000 armed men, and who were all my implacable enemies. The whole of Hindustan between Bahra and Behar was under the Afghan yoke, and yet the sovereign of this vast stretch of country could only collect an army of 500,000 men. Moreover, as many of his nobles were at the time in arms against him, his available forces did not exceed 100,000. It was under such circumstances, then, that after placing my trust in God, I left in my rear 100,000 of an enemy so terrible as the Uzbaks, and went to measure my strength with a sovereign like Sultan Ibrahim."

From the time of the brilliant campaigns against India, carried out by the great leaders of Asia, Mahmud of Ghazni, and Muhammad Ghuri, the richest portions of the Indian peninsula fell under Mussulman dominion. We have already made mention that rich India has never constituted one undivided sovereignty, or, if under the rule of sovereigns possessed of great military and political talent, the greater portion of the peninsula has been temporarily united under one sceptre, it has always happened that, after the death of such sovereigns, the vast monarchies which they have built up, have split up into several states, all more or less independent of each other. Thus when Babar made his appearance on the Indian peninsula, there were five large Mussalman and two Hindu states, not including numerous petty independent principalities devoid of any special political importance. Of the Mussulman sovereignties the most powerful was the *monarchy of the Afghans*, which comprised the Panjab, Delhi, Agra and Oude (the Poorab). The sovereign of this monarchy bore the title of the Emperor of India. The second monarchy was that of *Gujerat*, of which Sultan Muzaffar was the king. The third monarchy was that of the Deccan. The fourth monarchy was that of Malwa, of which Sultan Mahmud was the head. The fifth Mussulman monarchy was that of *Bengal*. Of the Hindu sovereigns the two most notable were the Rajah of Bijnagar and Rana-Sanka.

Thus the fact of India being sub-divided into numerous separate sovereignties when Babar undertook his campaigns against her, of course considerably facilitated his task of conquest. Babar's principal blow was directed against the Afghan monarchy, at the head of which was the Emperor Ibrahim II. Here the circumstances attending a civil war were taken advantage of by Babar, who made a rapid advance on the Punjab. He took Lahore and then marched upon Debalpur and Jalandar, situated at a distance of 120 *versts* (80 miles) to the east of Lahore. Here he formed the resolution of finally annexing the empire of Ibrahim II,

and for this purpose he returned to Kabul where he equipped a fresh army. At the head of fresh forces the Great Mogol crossed the Indus in the year 1525 A. D. A battle at Panipat decided the fate of Ibrahim II., for here he was defeated, Delhi and Agra were occupied in succession, and Babar was proclaimed Emperor of India. But with the exception of Delhi and Agra, all the other fortified points of Ibrahim's Empire were unwilling to accept the new rule, and their garrisons, having shut themselves up, prepared for defence. The strongest forts were moreover in the hands of Babar's enemies. Thus there were Dholepore, distant 30 *versets* (20 miles) to the south of Agra; (2) Biana 70 *versets* (46 $\frac{2}{3}$ miles) to the west of Agra; (3) Gwalior 100 *versets* (66 $\frac{2}{3}$ miles) to the south of Agra; (4) Etawah 105 *versets* (70 miles) to the south-east of Agra; (5) Sunbul 180 *versets* (120 miles) to the north of Agra; (6) Kalpee 200 *versets* (133 $\frac{1}{3}$ miles) to the south-east of Delhi. Moreover, Hassan-Khan the ruler of Mewat, to the north-west of Agra, was especially antagonistic to Babar's dominion.

Babar therefore despatched the Mullah Apak, the chief of the Orakzai tribe of Afghans, with a conciliatory letter addressed to the officers and soldiers of Ibrahim's troops comprising the garrison of fort Koel, 80 *versets* (53 $\frac{1}{3}$ miles) to the north-east of Agra, and the result of this letter was that 3,000 men joined the standards of the new Emperor. Babar, indeed, used every endeavour to draw to his side persons who played an important part under Ibrahim II. and his exertions to this end were often crowned with success.

Meanwhile Babar was very much exercised about the attitude taken up by the powerful Hindu sovereign, Rana-Sanka. It should be stated that Rana-Sanka, on Babar's entering India, had sent several messengers to him with declarations of friendship and promises that if Babar's army of invasion could get as far as Delhi, he would join it at Agra. But Rana-Sanka never fulfilled his promise, and when Babar occupied both Delhi and Agra he laid siege to the fort of Kandar which he took. He thereupon shewed that he was no ally of the Great Mogol, but his enemy, with whom Babar would have to reckon in a struggle for supremacy.

At this very time Babar's sworn enemies, the warlike Uzbaks, were making fresh conquests to the west. Thus they captured Merv, Sarakhs, Meshad and other towns of Khorassan.

Whilst Babar was annexing places in the north-west of India, changes were taking place in Gujerat which had a powerful influence on the fate of this Muhammadan State. Muzaffar died, and his son Bahadur succeeded to the throne. The new sovereign was known as being of a harsh nature,

for he slew many of the leading men who had outlived his father. "and shewed himself," to quote Babar's words, "a bloodthirsty young man without conscience and without shame."

Babar now began to actively busy himself in preparations for a campaign against Rana-Sanka. He first of all set about gaining possession of the posts in the neighbourhood of Agra and especially of Biani. He then ordered a brass cannon of large calibre to be cast which, on being experimented with, *was found to have a range of 1,600 paces.* But by the exercise of prudence, Babar gained the deep respect of his Mussalman foes, and so obtained possession of the forts which he coveted. There remained then only the task of crushing Rana-Sanka, after which he could count upon the firm consolidation of his rule over his Indian Empire.

Near Fatehpur-Sikri a reconnaissance party of Babar's, numbering some 1,500 men, fell almost entirely into the hands of Rana-Sanka's scouts, and this occurrence augured very badly for the ultimate chances of victory on the side of the invading army. On the 9th day of the month Jamali-Ul-Akhir, or the day of the Nauroz, Babar's army moved forward in order of battle with right, centre and left wings. As soon as Rana-Sanka's army perceived that its enemy had left camp, it also moved forward. The fiery Babar was extremely cautious at the decisive moment, and was not disposed on this occasion to open the battle, and so after placing his artillery in position, he directed his troops to remain on the defensive. His position was strongly defended: ditches were dug, *and all approaches were blocked.* The next day an advance was made to a fresh position about $2\frac{1}{2}$ *vershs* ($3\frac{2}{3}$ miles) further on, and this was also strengthened. These precautions were necessary, because of the great numerical superiority of Rana-Sanka's army. Babar in his Memoirs makes no mention of the strength of his own army, but he minutely describes the composition and strength of his opponent's forces. Thus he tells us that Rana-Sanka placed on the field of battle 205,000 men; 100,000 being under his own personal command, and 105,000 under the command of his allies, including 10,000 men led by Sikandar, son of the late Emperor of India, Ibrahim II. The ruler of Mewat was also amongst the number of Rana-Sanka's allies.

Babar's position rested on the neighbourhood of Karma and Biani, being a little more than 5 *vershs* ($3\frac{1}{3}$ miles) distant from the enemy. In front of the centre of the army was placed a line of wagons, between which the artillery and infantry were drawn up. The infantry had percussion muskets. Babar remained with the *centre*. On the right of Babar was Chin-Timur-Sultan, one of his best generals, and behind him

were seven Beks. To the left of Babar was Sultan-Belu-Lodi and five principal Beks with their retinue. The *right wing* of the army was commanded by Babar's son, Humayun. The *left wing* was under the command of Sayid-Mehdi-Khwaja. On the outer flank of the right wing were posted two separate detachments of Mongols, who were directed to make a turning movement round the enemy's left flank. The same disposition was made on the outer flank of Babar's left wing. Both these flanking parties were made up from men composing Babar's personal escort.

As soon as all his troops had taken up the positions which they were to occupy, Babar sent his orderlies and aides-de-camp with his orders and instructions. Thus he directed that no one should dare, without his especial sanction, to meddle with the conduct of the battle which he would direct in person. The wary commander anticipated an attack, and so it proved, for Rana-Sanka hurled his entire army on his enemy and the battle soon raged. The left wing of the Hindus fiercely attacked the Mussalman right, to the aid of which Babar immediately sent a portion of his right centre division under the command of Chin-Timur-Sultan. This movement was successfully carried out, and the Hindu attack in this direction was beaten back. The artillery and the musketeers placed behind the line of wagons opened a murderous fire upon the enemy, but by this time the Mussalman right wing had lost a considerable proportion of its strength, and so Babar had gradually to move to its support a portion of his right centre division. The Hindu right wing had several times thrown itself on the Mussalman left wing, but on being met each time with a fierce fusillade, had fallen back. Babar now sent fresh troops to join his left flanking party which, thereupon, succeeded in getting to the enemy's rear. In spite of this, however, the Hindus continued to obstinately attack the Mussalman left wing, so that Babar was obliged to send to it a portion of his left centre division. In the very height of the battle, the Emperor resolved to extend the guard troops of his centre to the right and left as a reinforcement to both his wings, and to clear the way for the guns and muskets in his centre. These fresh troops made a furious charge on the Hindus, whilst at the same time the artillery opened a hotter fire on the dense masses of the enemy. As Rana-Sanka's army had neither guns nor muskets, the use of fire-arms on it had a terrible effect, since his men found that even their coats-of-mail were pierced by the Mussalman missiles. Babar now directed a general advance, for his right and left wings had succeeded in driving back the enemy's wings upon his centre, and therefore the Hindus

were trampling each other down and were crowded into a dense mass. But in their desire to sell their lives as dearly as possible, they again threw themselves forward, and the attack of their left wing was so impetuous, that it seemed for a moment as though it would succeed, but on being met by a perfect storm of bullets the ranks of the Hindus were finally broken. This was the final effort of Rana-Sanka's troops, who, now losing all fighting formation, began to retreat. A terrible slaughter followed, but still the Hindus were enabled to halt their main body at a distance of only 6 *versts* (4 miles) from the battle-field. Babar's troops returned the same evening to their own position. Rana-Sanka's loss was enormous, and amongst the slain was the ruler of Mewat. The next day the Hindus continued their retreat, and Babar advancing from the battle-field reached the fort of Biani in three marches. Right up to this fort and even as far as Ulwar and Mewat, the road was strewn with the corpses of Hindus and of the Mussalman allies of Rana-Sanka. It was thus apparent that Babar's enemy had suffered at his hands a terrible defeat. Rana-Sanka's overthrow took place in the year 1527 A. D.

The position of the Great Mogol was now considerably strengthened and he, as the conqueror of Sultan Ibrahim II. and of Rana-Sanka, was now able to turn his full attention to the setting up of an administration in his newly acquired provinces. To enable him, however, to fully carry out this programme, it was necessary that he should obtain possession of the strong fort of Chanderi, situated at a distance of 241 *versts* (160 miles) from Agra. This fort was at this time in the hands of Mendin-Bao, and the garrison comprised from 4,000 to 5,000 men. The route between Agra and Chanderi was as follows: Jhalessar, 8 *versts* ($5 \frac{1}{3}$ miles); Armar, and by the Jumna to Chanduar; Kenar (ford); Ketchua; Barhanpur river; Chanderi 8 *versts* ($5 \frac{1}{3}$ miles).

The town of Chanderi was built on a hill and had a citadel which was strongly fortified, and a wall had been built round the entire circumference of the town. On the day after his arrival before Chanderi, Babar made a reconnaissance of the fort and selected positions for his centre and right and left wings. For his artillery he selected a level spot of ground, to which he sent his sappers with orders to *erect batteries for the emplacement of his guns*. The troops received a general order to prepare fascines, scaling ladders, and everything required for storming operations.

On the 6th of the month Jamal-Ul-Ahwal, Babar resolved to take the fort by a front attack. The enemy had strengthened the city only, placing on the outer wall of the town but a few men so as to give warning of any sudden attack. By

the evening Babar's troops had occupied the outer wall of the town without much resistance. The garrison had, by this time, withdrawn to the citadel. At dawn the next day the Emperor ordered his troops to take up their positions and await his arrival with standards waving and drums beating. The Hindus met the besiegers with showers of stones and some peculiarly inflammable composition, but the brave Afghan troops never wavered, and reached the ramparts of the citadel, every man trying to emulate his comrade. At one end of the height on which the citadel was built there was a covered way, and when the members of the garrison saw that the besiegers had occupied this weak point in the defence, they retired inside the building. The stormers now clambered along the whole length of the ramparts and jumped into the enclosure. At length the citadel was gained, and on a hill to the north-east of the fort of Chanderi, a pyramid was raised of the heads of its defenders. After appointing his own governor at Chanderi and leaving there a garrison of 3,000 men, Babar marched towards the Jumna, where the passage of his troops at the Kenara ferry took four days. On the 6th day of the month Jamal-ul-Akhir (corresponding with the 27th February 1528 A. D.) his camp was pitched on the right bank of the Ganges.

The measures adopted by Babar for the successful passage of this grand river, indisputably merit great attention, for they yet again reveal in Babar the talents of a great commander. He first of all sent on some men to secure about 40 boats, and to collect the requisite material for a bridge. The place which he chose was at the point where an island divides the channel of the river. Here Babar mounted a large cannon, and to the left of the proposed bridge he threw up a redoubt and garrisoned it with men armed with muskets. On the island, and to the right of the bridge, he placed small cannons mounted on carriages. *Thus the passage of the river was under artillery and musketry fire from three sides.* We should bear in mind that this occurred in the year 1528 A. D., in an uncivilised part of the continent of Asia. In the beginning of the XVIth century, Babar, as though he were the most advanced artillerist, most carefully superintended the casting of cannon of large calibre. As soon as the bridge was ready, Babar pushed across it a portion of his army as a strong reconnoitring party. This was met by the enemy who advanced to the attack. Babar's left wing got into confusion, but his centre and right wing withstood the enemy's onslaught and compelled his retirement. Babar did not move his artillery or his baggage train across the river the first day, but only his musketeers, and at nightfall the greater portion of those of his

troops, who were the first to cross by the bridge, were brought back to the right bank of the river. The next day, however, Babar's advanced troops sent word that the enemy had fled, and so Babar immediately ordered a strong detachment, under the command of Chin-Timur-Sultan to follow in pursuit. His whole army now crossed over to the left bank; the camels being taken over by a ford which was found below the bridge. Within 6 days of his passage across the Ganges, Babar pitched camp beyond the river Gumti, and when he was within two marches of Oude, he received a report from his advanced guard that Sheikh-Bayazid had taken up a position on the far back of the river Seru, and so he sent off 1,000 men as a reinforcement to Chin-Timur-Sultan's command. On the 7th day of the month Rajab, Babar halted within 8 *versts* ($5\frac{1}{2}$ miles) of Audon, the point of junction of the rivers Seru and Gogra. At this time Sheikh-Bayazid wrote Chin-Timur-Sultan a letter asking him to enter into negotiations, but perceiving that this was only a ruse to gain time, Chin-Timur made arrangements for his troops to cross the river Seru, where-upon Sheikh-Bayazid's army fled in every direction.

Thus Babar's campaign in Oude terminated. It was skilfully planned and lasted for a period of less than two months. Babar's main body had marched from Chanderi to Oude, a distance of more than 600 *versts* (400 miles), whilst his various outlying detachments had probably covered, within the same space of time, 800 *versts* (530 miles). Within too the period of this brief campaign, Babar had directed the passage of his army across two large rivers, the Jumna and the Ganges. After passing several days in Oude engaged in setting up his own administration in that province, the conqueror re-crossed the Seru, and made preparations for the enjoyment of some sport.

On the conclusion of his brilliant campaign at Chanderi and in the Purab, and in anticipation of a fresh one, Babar actively entered upon the reconstruction of the provinces which he had conquered, and which now formed part of his vast Empire. In this task he displayed surprising energy. He entered, too, into all the details of military matters, *and fully recognised that a properly organised regular army is the main force to which the monarch of a vast Empire must ever trust for the integrity of his possessions.* By a successful choice too of Ministers and Viceroys, he secured a peaceful administration of his varied provinces. Whilst trusting such persons he carefully watched them and saw that they did their duty. Further, he never disregarded the opinion of wise and experienced individuals, and when he decided upon undertaking any difficult enterprise, he would call a council, and in the majority of instances he acted according to the decision which might be

arrived at, at such a council. Mistakes, or rather errors of judgment, he freely forgave and forgot. The conduct of foreign policy he kept firmly in his own hands, and he directed it towards the consolidation of that monarchy which his own genius had created. He, however, always acted according to a programme which he had well thought out before, and when peaceful negotiations did not bring about the wished for result, he never hesitated to resort to war. It was by means of negotiations alike honourable to both parties, that Babar acquired from the sons of the fallen Hindu potentate, Rana-Sanka, the towns of Rautanpur, Chitor and Biani (the strategical importance of which he fully recognized) and so secured the southern border line of his vast Central Indian possessions. The north-western confines of India he had already guarded by holding Afghanistan where his son Humayun held sway in his name. But in order that we may see how much Babar concerned himself about this bulwark of India, we here quote a letter * which he addressed to his son Humayun, a letter which is in many respects of extreme interest.

"Salutations to Humayun," wrote the Emperor, "whose name I can never pronounce without the warmest wishes that I may again see him. On the 10th of the month *Rabi-ul-Ahwal* there came into Our presence Bezinakh and Baiyan-Sheikh bringing with them letters and despatches concerning the events which have occurred in the several localities. We thank God who has bestowed upon Us thee, O son; and who has made this slave the object of His benign love. May the Most Highest always accord to me and thee feelings of such extreme joy. Thou hast given to this slave the name *Al-Aman* (may God bless him,) but in doing so thou could'st not have thought of what thou wer't doing, although written with thine own hand, seeing that the common people more often pronounce such a name *Alaman* (signifying a robber). But, however it be, may God bless the name and the humble individual who bears it. May the Almighty give to me and thee long years of life, and may He shower upon *Al-Aman* all possible blessing during the course of many future generations. The Most Highest in His great and exceeding mercy has granted to Our affairs such success as We have never seen in any one of the ages preceding Our Own time." †

* See *Mémoires de Babar* (Zahir ed-din Mohammed), Vol. II. p. 362. *Author.*

† These words correspond with historical truth, for Babar had succeeded in establishing his dynasty over the vastest Empire in the world, and in this respect he had, indeed, achieved a success greater than that, of Alexander the Great of Macedon, Attila (a Russian Slavonic King) Cæsar, Mahmud of Ghazni, Ghingiz-Khan, Tamerlane and all such great conquerors of the world.—*Author.*

"On the 11th of the month above named, I learnt that the inhabitants of Balkh had called Kurban and had admitted him within the walls of their city. I accordingly directed Kamran (my second son) and all the Begs who were with him at Kabul to join thee, O Humayun, so that you might all move together either towards Hissar, or Samarkand, or Herat, according to circumstances, in the hope that with God's assistance you might defeat the enemy, retain mastery of the occupied provinces, rejoice your friends, and compel your enemies to bow the knee. Here then is the moment, if God sees fit, to make of thyself a sacrifice, and to fall, bearing arms. Every time such an opportunity presents itself, slacken not the display of resolute ardour, for unconcern and sloth are incompatible with the attainment of the position of an autocratic sovereign. The desire to attain success does not conform to the exercise of delay. The world belongs to him who can hasten on events. The vigilance of a monarchy can never be checked except in such cases when a reference is made to higher authority."

"If by the favour of God thou art able to subjugate Balkh and Hissar, thine own people can garrison the latter, and Kamran's men can occupy the former place. If, then, through the bestowal of still greater good fortune Samarkand also falls to thee, then within the walls of this city thou can'st establish thine own residence, for with the aid of the Divine Being, I will incorporate Hissar in my Imperial dominions. In case Kamran should find that the possession of Balkh is not enough for him, report to me, and I fully hope to be able to find in the countries round about, that which will make up the deficiency. Thou well knowest that I have made it a rule to bestow six parts of everything upon thee and five parts upon Kamran. Make this an undeviating rule of thy conduct and never depart from it. Live in good relations with Kamran. The great people of this world should be possessed of lofty feelings, and I fully hope that between Kamran and thyself excellent relations will always prevail. As regards Kamran, he is a young man with good propensities, and of a noble nature. He will therefore lose no opportunity of showing respect to thee or of affording thee all assistance."

"I have one other observation to make to thee. In the course of two or three years no one has come to me from thee, and those persons whom I have despatched to thee, have returned after a year's absence. Is this so or not?"

"Thou writest to me regularly, but there remains yet one other thing undone. Now, to leave yet one thing undone is not right for a sovereign. There are no heavier chains than the chains of an autocracy, and independence is incompatible with such a union."

"Thou hast written to me as I counselled thee, but in future endeavour to write more naturally and in clear and simple phraseology, as the labour will be less for thyself and also for those who may be empowered to read thy letters."

"There now remains for thee to undertake a great work. For this thou must consult with experienced Begg and with other wise and experienced persons, and do nothing without their advice."

"The many victories and successes which I^e gained whilst at Kabul have induced me to retain this place within the number of my Imperial possessions."

"Never break through the rule of keeping thy forces concentrated about thee."

In order to guard his Indian possessions from the warlike Uzbaks, Babar, as can be seen from his letter to his son, thought it expedient to carry on an uninterrupted struggle with them. For the more effectual attainment of this object, he endeavoured by every means in his power, to preserve friendly relations with the Shah of Persia. In the pursuit of this policy he had complete success, and the Shah did not a little to help in the preservation of the northern and western limits of his Empire. By his skilful policy, therefore, the Great Mogol induced the Shah to wage an almost ceaseless war with the Uzbaks, and to a description of these wars Babar devotes much space in his imperishable Memoirs.

But whilst he laboured to organise a strong foreign policy, Babar was equally active in the well being of the home affairs of his Empire. With especial attention he turned towards the construction of durable and useful buildings, and to the laying out of gardens which are so necessary in a hot climate. He organised, too, a regular postal service between Agra and Kabul. At last the season set in which is favourable for the conduct of war operations in India.

On the 19th of the month *Rabi-ul-Akhir* of the Hijra (corresponding with the 1st January 1529 of the Christian era) Babar received the news that the people of Bengal had declared their adherence to him. This news was very important, because a peaceful attitude on the part of the people of Bengal secured the quiet of the Eastern frontiers of the Purab. Babar accordingly next day called a council, at which it was decided to move westward into the country of the Independent States. The Emperor then directed all his army leaders to unite their forces with the army under his son Askari; but the idea of a campaign in this direction was soon altered, because Babar received the intelligence that Sultan Mahmud, son of the deceased Emperor Iskandar, had taken possession of Behar. A fresh council was then convened at

Agra, at which it was decided to undertake a campaign eastwards. That very day Babar learnt that his son Humayun, at the head of an army of 50,000, was marching on Samarkand, and that his advanced detachments had occupied Hissar, crossed the Oxus at the Termez ferry, and had seized Kabadian. Babar thereupon entered Behar and Bengal, and thus his Empire became extended in two opposite directions (Samarkand and Behar), the distance intervening being 3,000 *versts* (2,000 miles.)

Such is the power of genius. Here we see a man who had been driven out of his native country, Farghana, a refugee beyond the Tian-Shan range, entering a country that was filled with his enemies. But soon this very man crosses the Hindu-Kush and establishes himself at Kabul. After remaining a long time in the uninviting, mountainous and poor country of the Afghans, his eagle eye looked to see what was to be done in many millioned and fertile India. Though of an impetuous disposition, Babar was obliged for many years to curb his passionate and, in the highest degree, bold desire to become the subjugator and possessor of Hindustan. His subsequent great achievements were not attained by armies of colossal magnitude, but by the genius which placed at his disposal, *a beautifully organised standing army* which was inured to campaigns and battles, and of which the devotion to its leader was boundless.

It will suffice for the purposes of this narrative to here record that Babar, who left Agra at the head of his army on the 17th of the month Jamadi-ul-Ahwal, was at Dakdaki on the banks of the Ganges in exactly one month's time, having marched meanwhile a distance of $382\frac{1}{2}$ *versts* (255 miles) with a baggage train and artillery, the order of the march being so arranged that, in proportion as the army advanced, its numerical strength the more increased.

Babar's further campaigning in the delta of the Ganges proved him to be a very powerful swimmer. Thus we read: "On the 25th of the month (*Jamadi-ul-Akhir*) after a march of 16 *versts* ($10\frac{2}{3}$ miles) the army reached Seruali where a halt was declared. The next march brought the troops to the point of junction of the rivers Jumna and Ganges. Babar, in whose Memoirs is the following passage: *never lost an opportunity of swimming a river which may be met in the course of a campaign*, swam at this point the entire breadth of the united rivers, and then without resting on the opposite bank, swam back again. And again on the 23rd of the month Radjab, when his army was at Chusu, Babar swam the Ganges near the mouth of the river Karamnijs. Such exploits may afford the key to the riddle of successes that were so unusual in the previous history of Asia.

The first period of Babar's campaign in Behar and Bengal terminated about this time (A. D. 1529.) Behar then passed under his sway, and against the Bengalis and rebel Afghans, he concentrated a powerful army. As a great proficient in the art of war, and as undoubtedly possessed of all the qualities of a great leader of men, Babar did not content himself with the successes which he had already gained, for he sought out the armies of his enemies, and formed the intention of utterly routing them in the fight. This was always the clearly defined object of every campaign which he so brilliantly conducted.

In order to co-operate with his land forces, Babar built a large river flotilla, the vessels of which were fastened together with chain cables. The orderly march of his troops along the banks of the great river of Hindustan, and the easy movement of his river flotilla, produced a strong impression on the population of Northern India, amongst whom the terrible name of the Great Mogol passed from mouth to mouth.

On the 7th of the month Shaban (corresponding with the middle of April 1527 A. D.) Babar received through his spies the extraordinarily important intelligence that a Bengal army, under the command of Makdum-i-Alam, consisting of 24 divisions, had entrenched itself on the banks of the river Gunduk, and that it had there been joined by a force of Afghans under the command of Sultan Mahmud. On the 9th of the same month Babar's troops pitched camp at Arrah. Here news was received that a Bengal army which had been raised in Kerid (Kherid)—the country (between Sinandpur and the Ganges) which is watered by the Gogra,—was embarked on 150 boats that were anchored on the left bank of the Seru, at the point where that river falls into the Ganges. Although it was evident that the Kherid army was acting in accord with the Bengalis, Babar made a last effort to come to terms with the people of Bengal. In his Memoirs he mentions that between himself and the Bengalis peace prevailed "on the surface," and that in such cases he always put forward the interests of peace, "in order," adds the subtle politician, "to have all the chances on my side." The next day, therefore, he held a conference with the Bengal envoy, at which it was agreed that the Imperial army should move in all directions so as to surround "the enemy" (*i. e.*, the rebel Afghans of the Purab) but that no territory belonging to Bengal should be ceded to the Mogols. Under the terms of the same agreement, the Kerid army was to be allowed a free passage to its country, and Babar added that if the Bengal troops did not clear the way for his advance and refrain from opposing him, he would hold them responsible for any misfortunes that might arise hereafter.

On the 17th of the month Shaban, Babar undertook a reconnaissance with a view to finding a suitable place for crossing over to the left bank of the Ganges, in order to join forces with his son Askari. It was finally arranged that a portion of his army should advance upon Geldi, where it was to cross the Seru river, and under the cover of artillery fire throw itself on the enemy's flank. Babar was at this time aware that the Bengalis had decided upon disputing the passage of the Seru at Geldi; and so had arranged to cross the same river at a point 21 *versets* (14 miles) distant from that position. On the 22nd of the same month (Shaban) Babar convened a council of war, of which he thus writes in his Memoirs. "I had information of all the points between Sinanderpur and Oudh and Bailharidji at which the Seru river can be crossed. I accordingly directed a portion of my army to pass in boats across that river, and at once advance upon the enemy. As soon as this force had carried out this movement, the troops under Ustada and Mastafa were also to join in the fight. I was then to cross the Ganges and keep my troops in reserve, but ready to take advantage of any circumstance. Muhammad Zaman-Mirza and the troops detailed to fight on that bank of the Ganges which is turned towards Behar, * were to engage in the neighbourhood of Mustafa." This short but clear account of the disposition which he made, seems to show that it was one which was worthy of the great conqueror. We take this opportunity of here mentioning that Babar rarely speaks of the numerical strength of the several armies which he commanded, although he refers to such and such a column numbering 20,000 men. Although this circumstance does not enable us to accurately determine the total strength of the army which was operating along the Seru and the Ganges, we shall probably be not far from the truth if we put its strength down at not less than 150,000 men.

We will here note one remarkable detail which would considerably facilitate the passage of Babar's column across the Seru river, for he makes mention of his *having despatched a special messenger with orders, that during the night of the 22nd and 23rd, all the infantry of this column were to be mounted on horses † previous to the passage of the river.*

On the 23rd of the month Shaban (corresponding with the end of April or beginning of May 1529 A. D.) the army

* The reach of the Ganges in the direction of the upper course of the Seru river, runs from south to north, so that Babar's position was in the shape of a bow, with its convex side turned towards his enemy.—*Author.*

† In all probability these horses were requisitioned from the inhabitants of the country round.—*Author.*

under the personal command of the Emperor began to cross from the right to the left bank of the Ganges, where it was to take up its allotted position.

It was at this time that Babar received the news that his son Askari had crossed the Seru river, and had attacked the enemy. He then at once directed all the small detachments which had crossed the same river higher up, to join Askari's column, and to co-operate with it in an aggressive movement. *To attack en masse* was the undeviating rule of all Babar's great engagements.

The great Emperor always rendered their due to bravery and daring, for the names of those who distinguished themselves always appear on the pages of his imperishable Memoirs.

Thus, he writes of the leader of his cavalry forces: "His (Isan-Timur-Sultan's) behaviour in this affair, was very noticeable: firstly, he led the way across the river in a skilful and fearless manner, and then, without any signs of wavering he attacked with a handful of his men, an enemy of greatly superior numbers whom he put to flight."

We give here a brief summary and review of the engagement which terminated Babar's strategical movement on the banks of the Seru river.

I. Prior to this fight, Babar's several forces were divided by the river Ganges, but before the engagement opened Babar had successfully concentrated his entire army on the left bank of the river.

II. The position which Babar took up was exceedingly well chosen. In respect of defence, it had a strong front, and its right rested on the Ganges, its left flank being secured by Askari's army. As regards its offensive capabilities, it admitted of a turning movement on the enemy's right flank.

III. Babar's dispositions were simple and short. In order to turn the right flank of the Bengalis, Babar was able to mass 75,000 men, or half his entire army, and in order to hasten the carrying out of this turning movement, Babar mounted his infantry on horses.

IV. Babar's artillery was posted in two groups in front of his main body, the object being to search the front with a hot fire, and so facilitate the passage of his main body across the Ganges.

V. The passage of the river was so timed, that it was carried out on receipt of the news that the enemy had been attacked by the flanking columns.

VI. The attack of the flanking columns was carried out by means of a converging movement, which admitted of his whole force being united and reinforced from different points along the river.

VII. The troops of the various commanders were in their places immediately the river had been crossed.

VIII. Askari's column was connected with the other parts of the army before battle was offered.

IX. There was a considerable reserve of fresh forces in hand, for when the battle was over, a considerable body of men was still crossing the river.

The Great Mogol, in fact, shewed that he knew how to skillfully place on the field of battle an army of 150,000 men without allowing a single detail, however small, to slip out of his hands. He was, in very truth, then, a master of the art of war.

When Babar began his campaign in Bengal, he had three principal enemies. Firstly, the Bengalīs, incited by the Afghans of the Purab; Syltan Mahmud, son of Iskandar a former Emperor of India, who wished to secure his father's throne, and lastly the Afghans of the Purab under the leadership of Biban and Sheikh Bayazid, sworn enemies of Babar's. The defeat of these combined forces on the bank of the Seru river produced a great impression on the neighbouring provinces, and did much to quiet the hostile Afghans, for many of their leaders came in and made their submission. Amongst them came Yakhia-Lugani with an offer of 8,000 fresh Afghan troops.

We have more than once observed in our description of the campaigns against India, that almost every conqueror who has carried war into the heart of Hindustan, has there found allies, and that armies of many of the invaders have not only not become reduced in proportion as they advanced, but have almost always increased. Such is the authentic demonstration of history, and any future subjugation of India will probably meet with the same experience.

On the 10th of the month Ramadan, the Bengalīs sent word that they assented to the conditions which had been imposed by Babar and they also made offers of peace. Peace was accordingly concluded. Having settled matters in Behar and Bengal, and having pacified most of the rebel Afghans, Babar marched his army back towards Agra. But as Biban and Sheikh Bayazid had not come to terms with him, he resolved to take them *enroute*. On the 17th of the month, Babar received intelligence that his two remaining enemies had crossed the Seru and the Gogra, and were moving on to Lucknow. In pursuit he accordingly detached a strong force. The rainy season had by this time set in. On the 18th of the month, Babar crossed the Seru river, and the next day visited Kerid and Sikandarpur, and the same day he heard that his enemies had occupied Lucknow. Babar then marched along the banks of the Seru into

Oude. For a long time his opponents held their own, but at length on the 12th of the month *Shawal*, Babar received the report of their defeat and pursuit by bodies of his light cavalry.

The campaign was now over. The Emperor sent orders from Kalpi to his advanced troops, whose horses were by this time completely jaded, to halt where they were, when he would send fresh cavalry details from Agra to relieve them.

A march of 207 *vershs* (170 miles) *via* Biladar, Sawaniandpur, Etawah and Fatchpur brought Babar back to his capital at Agra where, in a few days' time, he was joined by his wife, Humayun's mother, who had arrived from Kabul.

The Great Mogol had now no more enemies worthy of the name, who were at all able to compete with his troops. He was now 50 years of age, but the unwearied activity which he had practised without interruption since he was 22 years of age, could not but have told even on his iron constitution. The circumstances attending his death, however, were as remarkable as the history of his active life. In his immortal Memoirs he tells us of the cause of his illness and of his presentiment of approaching death under the following circumstances. His favourite son, Humayan, the heir to his throne, a misanthrope and a dreamy individual, all at once made his appearance at Agra from Badakhshan, to the great surprise and astonishment of both his parents. After a stay of a few days at Agra, Humayun was directed to go to Sunbul, where he fell ill. He was then brought to Delhi, and thence by boat back to Agra. Everything was done for him, but apparently without avail. One of Babar's personal attendants then counselled his master to offer to God a sacrifice of some valuable thing, and to pray for his son's recovery. Babar's great love for his son, whom he prized more than his own life, led him to decide on his own personal sacrifice. But his adherents remonstrated with him and suggested that he should offer as a sacrifice, a priceless diamond which had been seized when he captured Agra. "What," exclaimed Babar "does there exist on this earth a jewel which is of equal value with the life of my own son! No, it is right that I should ransom his life with my own!" Babar then entered the room in which his dying son lay. Moving round his bed three times Babar called out, "I take upon myself all the sufferings which thou endurest." In his Memoirs it is related that Babar had no sooner performed this exorcism, when he felt a sensation of heaviness whilst his son's health began to improve. It was soon after this that Humayun got perfectly well, and that Babar himself became seriously indisposed. Summoning to his bedside the highest officials and the most influential persons in his Empire, Babar feelingly proclaimed his son Humayun his successor and

the heir to his throne, and invited those around him to support the new Emperor. On the 6th of the month Jamadi-UI-Ahwal, in the 937th year of the Hijra (corresponding with the 26th December 1530 A. D.) Babar terminated his famous earthly career.

Babar undoubtedly belongs to the number of the greatest Emperors and army leaders the world has ever seen, especially when we consider the means with which he had to work and the age in which so great a star arose. If we compare his achievements with those of his contemporary sovereigns not only in Asia but in more enlightened Europe, the palm must certainly be given to him. His wars did not lead to destruction but to building up. An exalted view of politics, an honourable display of ambition, great skill as an administrator, the exercise of the power of improving, in a brief period, the welfare of his subjects, deep respect for the law, which secured the honour, integrity and happiness of his people, a gracious demeanour to those around him—an attribute which exalts a monarch—these were the principal features of the man both as a politician and as a sovereign. As an army leader he possessed all the qualifications of a great strategist and tactician. He possessed, too, the gift of binding with his own, the heart of every soldier and officer under his command, sharing there joys and sorrows, and convincing them that, under his orders, victory was not far off. Apart from all this, Babar was a man of the highest culture, for as a *savant* and especially as a writer, he has won for himself a great name in the history of the world. He set a high value on science, and he surrounded himself with famous scientists, whom he reckoned amongst the number of his personal friends. His own will surmounted everything that came in his way. His cheery disposition, his unfailing good nature, his rectitude and kindliness of heart, won for him the love and respect of his numerous subjects.

We will conclude our notes on the overland campaigns against India with an account of the famous invasion of that peninsula by Nadir-Shah—an invasion which took place at the close of the first half of the 18th century. Nadir-Shah it was who dealt a terrible blow at the empire which had been built up by Babar, the Great Mogol, and, with remarkable skill have the English, who are now the possessors of Hindustan, taken advantage of that circumstance.

W. E. GOWAN, *Lt.-Col.*

(To be continued.)

ART. III.—THEN AND NOW: A RETROSPECT AND AN ESTIMATE.

- (1.) *A History of the Sepoy War in India.* By John William Kaye. London, Allen & Co. 1865-1876.
- (2.) *History of the Indian Mutiny.* By Colonel G. B. Malleeson. London, Allen & Co. 1878-1880.
- (3.) *Men and Events of my Time in India.* By Sir Richard Temple, Bart. London, John Murray. 1882.
- (4.) *A History of the Indian Mutiny.* By T. R. E. Holmes. London, Allen & Co. 1883.
- (5.) *Cosmopolitan Essays.* By Sir Richard Temple, Bart. London, Chapman and Hall. * 1886.

FOR a century and a half from the time when Queen Elizabeth granted her charter to the "Governor and Company of the Merchants of London trading to the East Indies," that great Association achieved little or nothing in excess of the authority vested in it by the Crown. It had, indeed, throughout that period, carried on its operations in many of the sea-coast towns of India, and some places in the interior of the country. But its settlements were of small extent; and they were separated from each other by vast distances. The energies of the Company's agents were concentrated upon the shipping of cargoes, and the preparation of bills of lading. Their aspirations were limited to the extension of their trade, and the protection of their warehouses. To win the favour of the "Great Mogul" and his deputies, of the Maráthas and the Deccan kings, they were compelled to make professions of the humblest submission. Far from cherishing any design of founding an empire in the lands upon which they gazed from their factories, the very suggestion that such a thing was possible would have been received by them with absolute incredulity. But while the servants of the English Company were poring over their ledgers, the Frenchman Dupleix conceived the idea of territorial acquisition upon a gigantic scale. Hardly, however, had Dupleix started on his career, when the genius and daring of a young English merchant threw his exploits into the shade; and by working out his great rival's scheme, Robert Clive won for his countrymen the sovereignty of Bengal, Behar and Orissa. Thence for a hundred years the great drama gradually unfolded itself, until Moghal, Marátha, Sindi and Sikh were alike compelled to bow the neck beneath the irresistible British yoke. The close of that hundred years beheld the unique spectacle of

a mercantile corporation ruling a rich and splendid empire, by means of an army that numbered 280,000 men. But the wonderful thing was, that of this numerous and distinguished army, no less than 235,000 were mercenary troops, recruited from the very races which our arms had conquered ; while only 45,000, or barely one-fifth of the entire force, were composed of soldiers of British race. So implicit was the confidence which the Company placed in the loyalty of its native battalions, that their proportion to the strength of the whole army might not improbably have become yet greater, but for a frightful emergency that arose. For as the century of conquest was drawing to an end, there suddenly burst over the land a tempest that had long been brewing ; and a catastrophe took place which necessitated well nigh the whole work of conquest being done over again.

Thirty years have now passed away since the outbreak at Mirath that Sunday afternoon in May. But in spite of vigorous and determined efforts to ascertain the real causes of the rebellion, they still remain to a great extent involved in obscurity. For a quarter of a century little, if any, fresh light has been thrown upon them. No historian has arisen amongst the survivors of the forces that were arrayed against us, to narrate how the seed of revolt was sown, whose hand watered it, and nurtured it to maturity. No voluntary witness has ever come forward from the ranks of our enemies. The evidence that was dragged from unwilling mouths in Courts of Inquiry held in 1858 is neither conclusive nor consistent. The mass of evidence accumulated on the subject has undergone a prolonged and searching examination. The process has resulted only in the heaping up of a multitude of facts and circumstances, a moiety of which would have sufficed to produce the crisis, while the whole need not necessarily have done so. Thus, in spite of an intimate knowledge of the events prior to, and contemporary with, the rebellion, our labours in trying to piece together cause and effect are in great measure vain. The conclusion is reluctantly forced upon the inquirer that the multifarious antecedents of the Mutiny, which may be accepted as its predisposing causes, are so inextricably woven together, that it is impossible to determine the sequence in which they arose, to distinguish cause from effect, or either from a mere coincidence. The greater the effort to arrive at a solution of the problem, the harder it is to say that any one thing or phase of things was the *fons et origo malorum*. There was no master mind to unite into one formidable combination the incongruous and heterogenous forces that were opposed to us. No leader ever proclaimed to the world the end that he was aiming at, and the motives by which he

was actuated. There was no single watchword which should stir the hearts of all alike, and reconcile an endless series of diverging and conflicting interests. The most careful analysis of the manifold and complex causes of the rebellion has not even enabled history to furnish a definite answer to the first question that confronts us; and whether the plan of the rising was formed within the army or without it, is still a matter of debate. Possibly the answer may never be forthcoming. The awful events that took place in 1857 stand out in the most vivid relief from the hazy and doubtful nature of the causes to which they may have been due. Suppose that the greased cartridge had never been issued, that Oudh had not been annexed, or that there had been no prophecy of the termination of the Company's rāj after it had flourished for a hundred years. Eliminate from the grand total of reasons and causes any one or two or three, and who can say that even then the remainder would not have turned the scale?

That troublous times might be looked for in our Indian Empire was not unforeseen by the statesmen trained in the politics of the East. The time and the hour might not be known, but the signs of impending danger were read by many. Mountstuart Elphinstone, with singular prescience, had long before put his finger upon the twofold source from which it might be expected. The native army was, he said, a delicate and dangerous machine, which a little mismanagement might easily turn against us. But great as might be the danger to the State from a pampered and mutinous soldiery, the possible causes of a more grievous peril were situated elsewhere. "I have left out of the account," he wrote, "the danger to which we should be exposed by any attempt to interfere with the religious prejudices of the natives. Our strength consists in the want of energy and the disunion of our enemies. There is but one talisman that, while it animated and united them all, would leave us without a single adherent,—this talisman is the name of religion, a power so odious that it is astonishing our enemies have not more frequently and systematically employed it against us." That any direct siege would ever be laid by our Government to the bulwarks of Islam or Brahmanism he did not for a moment anticipate. What he feared was that the most ordinary actions might engender the suspicion that the Feringhee was bent upon up-rooting the creed of both Muhammadan and Hindu. By others, too, the note of warning was sounded; but there were none who pointed with such astonishing accuracy to the real sources of danger. Sir Henry Lawrence, for example, called attention in the pages of the *Calcutta Review* to our careless indifference, warning men that what had occurred in the city of Kábul might some day

occur at Delhi, Mirath, or Bareli. But amply as the warning was justified, the causes that gave birth to the disaster in the Afghan mountains were altogether remote from those to which the Indian Mutiny was due.

Thus the curiosity of the historical inquirer can only be partially satisfied. But the practical lessons for the statesman and administrator may yet be written so plainly, that he who runs may read them. The key-note of the situation is to be found in the conjunction of the two forces named by Elphinstone. The loyalty of a mercenary army was gradually sapped; and it was turned against its masters in the name of an outraged religion. Yet, powerful as was this alliance of sacerdotal and martial sympathies, it was supplemented by a whole host of other hostile forces. With astonishing carelessness we had raised up enemies in one direction after another. In our pride of race we had cast down with supreme indifference reigning families whose representatives had borne sway over extensive countries, an ancient and revered aristocracy, and a popular landed gentry; we had offended an hereditary priesthood of extraordinary claims and an unbounded influence; we had alienated the affections of an army trained in the science, and skilled in the munitions of European warfare, while a large proportion of the measures which had estranged from us these various classes, affected the population of the country at large. With most of these the willingness of the spirit was out of all proportion to the weakness of the flesh; and hatred had to be smothered in impotency. It was the army, and the army alone, that could move hand against us. Let the sepoys be once persuaded that we were planning the destruction of all that to Mussalman and Hindu makes life worth living, and the instrument would be ready at hand for the wreaking of an universal vengeance.

From time immemorial the natives of India had been used to see the boundaries of kingdoms extended by force of arms. So when Lord Dalhousie after successful wars added the Panjáb and Burma to the British dominions, although certain correlative military difficulties arose in connection with the policy, there was nothing in his action to unsettle the equilibrium of the native mind. But by rigidly enforcing a theory, which he called the right of lapse, a heavy blow was struck at royal families, priests and people. Its enforcement could not fail to create universal misunderstanding amongst the races of India. It annihilated the rights of property in this world, it blasted the hopes of salvation in the next. A Hindu's prospects of future bliss rest upon the due performance of religious ceremonies for his departed shade by the son that he has left behind him. If heirs of the body failed, a kinsman, however

distant, might be adopted ; and the substitute was deemed in every way equal to a real son. Strange to say it was a matter of no unusual experience for the head of a noble house, whose wives might be numbered by the score, to be obliged to obtain by adoption a scion to preserve his lineage. But Lord Dalhousie was possessed with a burning enthusiasm for the widest extension of the blessings of British rule. Suffering millions were to be redeemed from the iniquities of Oriental despotism, and brought beneath the benignant ægis of the Company's administration. So when no heir was born to a Nawáb or Rája, he determined that the kingdom should lapse to the Supreme Government. The right to adopt might, indeed, continue to be exercised as regards private family matters, but this emasculated privilege—this shadow divorced from the substance—was deemed worthless, whether from a human or divine point of view. The outward and visible sign was torn away, and the religious function lost its inherent virtue. In olden days it was indeed always the custom to obtain the sanction of the Paramount Power to the adoption of an heir with full rights of inheritance. But the sanction was invariably bestowed, unless there was some special or personal reason for refusing it. The fiat went forth. In 1848 Satára was brought under the British flag, in 1849 Sambhalpur, in 1853 Jhánsi, while the question of annexing the ancient Rájput State of Kerowli was only decided in the negative after a keen and protracted discussion. In the same year Báji Rao, the last of the Peshwas, was gathered to his fathers, and the exorbitant allowances which he had enjoyed were not continued to his adopted son. In 1856 Nágpur ceased to be a kingdom, and became the Central Provinces, while the titular dignities of the Nawábs of the Carnatic and Tanjore came to an end. The list of victims to the law of lapse was complete. But in 1856 a still greater shock was dealt to the popular mind by the annexation of the dominions of our old and faithful ally, the King of Oudh, who had persistently declined to reform the monstrous abuses of his administration. In the cases of Nágpur and Jhánsi additional cause of enmity was given by an indecent and unjustifiable confiscation of the private property of the royal families. To this formidable list of dynasties which we had cast down and made our foes, was added one of greater name and weight than all. Lord Dalhousie decided that the king and princes of Delhi should vacate the palace hitherto occupied by them within the city walls, which was a strategical position of immense importance, and take up their residence at the Kutab. So the descendants of the house of Bábar were stirred up to deadly hatred against their successors to the suzerainty of Hindustan. The agents of all

these powerful houses might plot and scheme, and await the great day of retribution. But because Lord Dalhousie's systematic annexation excited discontent, it does not follow that he was wrong. While in strict law he was indisputably right, his policy consolidated and strengthened the British Empire, and at the same time promoted the interests of the vast mass of the people who dwelt in the countries that were annexed. But his motives were not unnaturally misconstrued, and their disinterestedness was not believed in. He seemed to his enemies to be carrying out a wholesale policy of systematic spoliation.

Next to the rulers came the pillars of the state. A two-fold process of settlement and resumption caused the could of the landed gentry and aristocracy of the country. In India land had been won by the sword and kept by the sword; and little value was attached to written title deeds. As our older acquisitions had come into our hands, we accepted, for the time being as the rightful proprietors of the land, those whom we happened to find actually in possession. Time went by and the occupants felt themselves secure in the ownership of their estates. But a step that might have been taken earlier with comparative impunity, was decided upon after a most unfortunate delay. It seemed good to the Government of Lord William Bentinck to institute a scientific settlement or examination of all existing rights. The inevitable result followed. Thousands of landed proprietors were cast adrift in despair and dismay for want of documentary evidence showing their right to the estates which they held. The old order changed and not altogether for the better. In place of large landholders, there came to the front a class of peasant proprietors, for whose interests we entertained an almost sentimental regard, which in these latter days was not vouchsafed to the landlord. Such persons as obtained estates of any size were *novi homines*, weak in their position, devoid of influence, useless as allies. The ultra conservative instinct of the population was alarmed. The existence of this feeling was not unnoticed. Thoughtful observers said, in 1832, that if ever the talukdars of the North-West Provinces rose against us, the peasantry would, in spite of our efforts for their welfare, be on their side. In the Western Presidency the work of upheaval proceeded on an enormous scale. In the first five years of its operations the Imám Commission called for the titles of 35,000 estates, great and small; and three-fifths of these were confiscated. Thus was a time-honoured aristocracy sunk in humiliation and reduced to poverty. But this was by no means all. Another blow was struck against vested interests by an order which permitted the sale of land in execution of the decrees of civil courts. Its promulgation swelled the numbers of the discontented

classes who were sullenly biding their time. They were depressed, too, by indirect causes. In the olden days the cadets of these noble houses could find, in the more elastic constitution of Native States, a wider scope for their ambition than the stereotyped mechanism of British rule afforded. But now, of this less restricted sphere, the sweeping policy of annexation had, in great measure, deprived them. Annexation had done more than deprive some classes of possible openings: it struck at existing rights. The administration of the new territories was put into the hands of English officers, and the native officials were cast adrift, or forced to occupy subordinate positions.

The consequences of the settlement were sufficiently grave to cause alarm to many European officials. But in addition to the settlement, another engine of destruction was brought to bear upon the landed interest. Apart from the actual proprietors of the land, there was a numerous class of persons who, under the old *regime*, possessed hereditary rights in the collection of the land revenue of the State. The right had sometimes been fraudulently obtained. It had often continued after all need for the services of these officers had passed away. Under the new system they were but cumberers of the ground. Their rights were resumed, and their connection with both land and state severed. They could not resist. They were "*láchár*," helpless. But they could bide their time, and when the opportunity came, use all their influence against us. The Calcutta press in 1838 proclaimed how their loyalty had been undermined. Every overthrown estate, every broken privilege, was another arrow in the sheaf of our enemies. And it was from these families that came the best men in the ranks of our sepoy regiments. The conclusion was easily to be drawn, and it was said that, if owing to confiscation, the sepoy could no longer trust to British faith, we should have to place our reliance on British troops alone.

India is pre-eminently a priest-ridden country. In all the concerns of his daily life, the Hindu is trained to rest his faith on the ministrations of the hereditary Brahmanical priesthood. The Brahman was the connecting link between God and man, the receptacle of divine wisdom. "Every form," it has been said, "or ceremony of religion; all the public festivals; all the accidents and concerns of life; the revolutions of the heavenly bodies; the superstitious fears of the people; birth, sickness, marriage, misfortunes, death; a future state, have all been seized as sources of revenue to the Brahmans."* But now the priesthood saw their vaunted power surely, if slowly

* Ward, on the Hindoos, quoted by Kaye.

melting away. In old days the Company's troops had been paraded in honour of idols, and there had been much unnecessary bowing down in the house of Rimmon. That had long ceased. The infamous rite of Sati was abolished, infanticide had gone with it, the murder of the sick on the banks of rivers, the offering of human sacrifices, had been done away with; widows were allowed by the British Government to re-marry, and renegades to their faith, nay, even the sons of re-married widows, might inherit ancestral property. Polygamy was in danger. The new learning of secular schools was opposed to all the time-honoured religious doctrines. Zenana missionaries were invading the inmost sanctity of Hindu and Mussalman homes. All these were deadly blows to the priestly supremacy. And now, when every one saw the new and mysterious appliances of telegraphs, railways, and steamers, which the Brahman could no more explain than the most ignorant ryot, the members of the priestly caste felt that their boasted superiority of knowledge must begin to wane away. Nor was the agitation confined to the Hindu priesthood. By the followers of the prophet of Mecca it was felt as a grave indignity to their religion that Persian ceased to be the language of the law-courts. It was bruited amongst them that the English meant to prohibit circumcision, and compel their women to go abroad unveiled. The resumption of rent free tenures had fallen heavily on many of the creed of Islam. Thus the implacable enmity of the two religions was aroused; and the alarm was heightened when some zealous missionaries issued an ill-advised manifesto, that the new arts and appliances of the age were but the precursors to the extension of the Christian faith over the length and breadth of the land. It was confidently believed by the natives that this manifesto emanated from the Government. Earnest Christian officers gave colour to the belief by openly preaching the gospel to their sepoys. And so the odious talisman of the name of religion linked in a common cause all alike.

The circumstances which specially affected each particular caste, in greater or less measure, influenced each of the others. By imperceptible degrees they converged and diverged until they leavened the bulk of the population at large. Public opinion in India is feeble, its expression indistinct. But the fall of thrones, the upheaval of an aristocracy, the offending of a priesthood, are events which can hardly fail to create a feeling which answers to its Western countertype. An enormous number of hangers-on of courts and great estates, who in one way and another obtained their living in connection with royal families, feudal chiefs, and religious institutions, were either already ruined, or fearful that their turn would come next. All these

were interested in persuading their friends and neighbours that a like fate would soon be theirs, unless they rose up in support of their rights. And so petty chieftains were encouraged to look for a return of the golden age, in which they might rob and plunder their weaker neighbours with impunity. Adventurers rejoiced at the prospect held out to them of gratifying their ambition in a less narrow sphere than that to which British rule restricted them. Others there were whom the mere force of example would suffice to bring into the ranks of conspirators. Men and women, of every caste and class, lent a greedy ear when the priests told them that religion was in danger; that caste was to go; that everything which conferred any value upon existence was in deadly peril. A text was not wanting to point the moral. It had been the custom for prisoners in jails, each to cook his own food in accordance with the ordinary Hindu method. Obvious inconveniences as regards discipline attached themselves to this system. An order was issued that in each jail a common mess should be provided for the prisoners; and it was clear to them that the object of Government was the defilement of their caste.

In conjunction with the religious agitation that was springing up and gaining strength, but not knowing yet how to strike, there was a strange circumstance known to Englishmen at least as early as 1832. It was prophesied that a hundred years after the battle of Plassey, the rāj of the Company would end. The preceding year was to be marked by floods and cholera; and when the floods and the cholera came in 1856, who could doubt the speedy downfall of the English?

Such, apart from the army, were the forces arrayed in enmity against us. They were both numerous and momentous. But over and above them all, there was a vague and undefinable sense of uneasiness at the improvements and changes that we had been introducing in the administration of the settled districts. There was a widespread feeling of alarm and uncertainty as to what was going to be done next, and a steadily increasing disposition to regard unfavourably every step that the Sirkār might take. The English seemed to be altogether changed and changing, and people could no longer live under their sway. It was just what Elphinstone had said. Good government is not always a blessing if it is at variance with the habits and customs of the people. The tendency of the government was to make their administration as English as possible. It was like the bed of Procrustes. If the bed did not suit the limbs, the limbs must be altered to suit the bed.

The native army of the Company was numerically five times as strong as its European forces. That army, as a body, and the sepoy individually, had done us splendid service for a century,

but the service had not been uninterruptedly good. From an early period of its existence incidents had from time to time occurred, which showed how delicate was the link that bound the sepoy army to its masters. The sepoy was altogether a paradox. His moods were constantly changing. He was at one tractable and unmanageable, submissive and defiant, cheerful and sullen. Easily exhilarated, he was as easily depressed. He was tenacious to a degree of his real or fancied rights. Faithful to his salt, he was ready on slight provocation to complain of the quantity of that viand. A splendid soldier when in the right mood, he was too often in the wrong one. There are certain conditions under which he would not fight. A journey by sea involved loss of caste, and he consequently shrank from crossing the black water. He was unwilling to serve in a foreign country except on additional allowances; and he reserved for himself the right of determining what was or was not foreign soil. There had been over and over again mutinies in the Bengal army on these two points,—dissatisfaction as regards pay, and religious scruples against proceeding to certain places. But mutiny in the early days meant a mere refusal to work. The sepoys had no thought of murdering their officers or pulling down the government of the Company. The mutinous symptoms were treated by an inconsistent policy of retribution and concession, strength and weakness; with the upshot that some five or six years before the great crisis took place, Sir Charles Napier, the Commander-in-Chief, recorded his deliberate opinion that twenty-four regiments were only waiting an opportunity to rise. The high caste of the Bengal sepoys, which they always obtruded when they wished to avoid any disagreeable duty, was pampered, encouraged, and condoned by their officers to a dangerous extent. The pretensions of caste were incompatible with discipline, and discipline went to the wall. The sepoys learnt their power. And while they formed exaggerated notions of their own importance, a whole series of incidents had gradually loosened the ties which bound them to their officers. The position of the European officer, the native officer, and the sepoy, had alike deteriorated. Valuable privileges of the two latter classes had been swept away, such as the right of early hearing in civil courts and the exemption of their letters from postage dues. The authority of the regimental officers was minimised; and all real power concentrated at army head-quarters. Their allowances were cut down, their appeals rejected, and themselves made to eat dirt in the eyes of the sepoys. Then, corporal punishment for the sepoy was done away with, and, as the native officers said, the army ceased to fear. It is noteworthy that the flabby humanitarianism,

so different from humanity, of Lord William Bentinck, contented itself with freeing the native troops from this supposed stigma. His sentiment allowed it to remain in force with soldiers of his own race. As our territory increased, so did the sepoy's idea of his own power, and of his necessity to his employers. His grievances, whether real or imaginary, made him sullen and discontented. He became less faithful, more fastidious, and more variable in his moods. He did not forget that he had seen English soldiers capitulate to an Asiatic foe in the gloomy defiles of Afghanistan. With true Oriental inconsistency, he objected to annexation at one and the same time on the incompatible grounds that it would entail for him excessive labour, and throw him out of employment. These purely military grievances were crowned by Lord Canning's general Enlistment Act, under which all recruits had to bind themselves to cross the sea if it should be necessary to send them. Old sepoys trembled lest the oath should be deemed to be binding on themselves. But the sepoy was not only a soldier. A large proportion of the ranks of the army were filled with Brahmans, representatives of the landholding families, and subjects of the newly annexed kingdoms. Thus the sepoys, irritated and discontented as soldiers, were personally embittered against us by the policy that made enemies of royal families, the landed gentry, the aristocracy and the priesthood.

Such were the forces that were boiling and seething together in the years before 1857. The real or fancied wrongs of the sepoys *qua* military men, were altogether trivial as compared with those depending on other causes, especially the supposed danger to their religion. The Bengal Army had not hitherto furnished an instance of the full power of these pent-up forces. Its mutinies had been rather passive than active. But the Madras army, in which caste was less pampered, had undergone one convulsion which was a singularly accurate forecast of the great rebellion. In 1806 a mutiny at Vellore resulted in a horrible murder of the European garrison when they were asleep. It was heralded by manifold signs and disturbances, and a general uneasy feeling. An estrangement had gradually sprung up between officers and men, and the hearts of the sepoys were hardened. So the agents of the dethroned family of Tipu Sultán of Mysore found it an easy task to goad them to madness, by telling them of the danger that was impending upon their religion. Some absurd orders had been issued which interfered with their most cherished and harmless caste prejudices. They were bidden to shave off their beards and to wear hats with leather cockades made of the hide of swine and cows. These orders they not unnaturally believed

would be followed by a forcible conversion to Christianity. As in 1857, the most preposterous fables were circulated. And, as in 1857, the doubt still remains whether the conception of the movement arose in the breasts of the deposed royal family of Mysore, or whether their share in the scheme only commenced when they saw the very instrument that they could have wished for, ready to their hands in the shape of a mutinous and discontented soldiery. The two thunder clouds met and the fiery fluid exploded. Each, but for the other, might have passed quietly away and left the heavens clear. Each was essential to the other for the consummation of their common task.

The causes of the mutiny which had their rise in India itself, we have seen, were sufficiently varied. But even they were not all. We were at war with Persia, and the Shah bethought himself of a powerful weapon when he issued a proclamation in Northern India, bidding all true believers rise and gird up their loins to smite the infidel hip and thigh. From Russia, too, wonderful stories were brought by Azim Ulla Khán, the notorious agent of Nána Sahib, who had gazed with inward satisfaction upon the English soldiers in the Crimean trenches. His reports of the English losses were gulped down with eager credulity; and countenance was not wanting to his statements when European troops were withdrawn from India for service in the Russian war. The necessity for their withdrawal was the more apparent when, in the common native belief, the population of the British Isles did not exceed a hundred thousand souls. The exertions of foreign emissaries were able to raise up a rich harvest, for the seed fell upon a favourable soil. Previous attempts, as at Patna in 1845, had failed, for the soil was not ready for the sowing. They were always of the same type. They were always made in the name of religion. They were always dished up with a mass of lies. It was reserved for the last to meet with a *prima facie* semblance of truth.

In the middle of 1856 a strange phenomenon was observed. From village to village went the mysterious *chapati*, or flat cake of the country. Whence they came or what they signified no one knew; and they hardly seem to have excited, in the minds of the rulers, the feeblest curiosity. That they answered in some measure to the sending of the fiery cross through the Scotch highlands can hardly be doubted. But though a few who were wiser than the rest could read the signs of the times, their words were laughed to scorn. The doom of Cassandra was upon them. It was in vain, too, that friendly natives, for a considerable time before the outburst, entreated British officers to leave the country, or at all events send away

their families. The Government of Bombay received a well meant warning from an anonymous source, of the bitter feelings that were being caused by the proceedings of the Inám Commission. But it was all useless. All but a few were imbued with a blind confidence that all was well. The rulers of the land ate, drank, and were merry, married and gave in marriage, heedless of the storm that was gathering. Suddenly into this magazine of combustible material there was hurled a flaming firebrand. With the improved rifle that was issued to the troops, there was served out a new kind of cartridge. It was lubricated with the fat of beef and pork, and the end of the cartridge thus prepared had to be bitten off. But the flesh of kine is sacred to the Hindu, while pork is an abomination to the Mussalman. Yet the flesh of both had now to enter in at the mouth, and the defilement of the followers of the two great creeds was ensured. If the enemies of England had long sought an opportunity of injuring her, they had never in their wildest dreams hoped for such a chance as this. The Feringhi had deliberately placed a weapon in their hands. Lies had often been invented before, but they had never been based upon such a massive foundation. For here was a palpable fact that could not be explained away. "A lie that is half a truth is ever the blackest of lies."* The dragon's teeth were sown. A very upas tree of falsehoods sprang up, and spread its poisonous limbs in every direction. The greased cartridges, it was said, were ordered by the Queen in Council in prosecution of a long-cherished design of embracing all her subjects within the Christian fold. The scheme had been suggested by the missionaries of Delhi, who had told their Sovereign that the cartridge would at once convert the inhabitants of India as by a magic charm. Ground bones, it was confidently believed, were mixed with flour and salt sold in the bazars, and animal fat with the ghee. Bones were burnt with the sugar, flesh was thrown into the wells, and all classes were to be defiled at once. A terrible fear, an awful mistrust spread abroad. If there were any who did not themselves object to the cartridge, they trembled before public opinion. They were bound down hopelessly in the bonds of slavery imposed upon them by the arch-demon caste, and they hugged their chains with a fierce persistency. They dreaded excommunication at the hands of their comrades and families should they touch the accursed thing.

How such an outrage could have been perpetrated by sane men; how such a blunder, worse than any conceivable crime,

* Tennyson.

could have been committed, is intelligible only under the supposition that it pleased Providence to smite the men in power with judicial blindness. The cartridge was in itself nauseous and disgusting. "I am not surprised," wrote General Anson to Lord Canning on March 23rd, 1857, "at their objection to this cartridge, having seen them. I had no idea they contained, or rather are smeared, with such a quantity of grease, which looks exactly like fat. After ramming down the ball the muzzle of the musket is covered with it." So unsavoury were they, that the English riflemen of the sixtieth could not restrain their feelings of disgust when called upon to use them.

Colonel Malleon has attempted to sum up the causes of the outbreak in two words, bad faith. The generalisation is altogether too sweeping. That there was some actual bad faith, cannot be denied. But it was a breach of promises rather implied than explicit. It was a mere mole-hill as compared with the mountain of bad faith that was imagined or invented. In the absence of definitely ascertained facts we are limited to conjecture, or at the most, plausible deduction as to the exact causes of the Mutiny. But that the popular idea which ascribes the rising entirely to the cartridges is absolutely wrong, there can be no shadow of doubt. There is a probability which almost amounts to a certainty, that a rising, in accordance with the mysterious prophecy, had been determined upon by the leaders of the various discontented sections of the population, both military and civil, for some years previously. The civil population, knowing their own physical weakness, did their utmost to work on the soldiery, who from their constitution reflected all phases of popular opinion, and who, while they had special grievances of their own, possessed and knew that they possessed enormous physical power. To the leaders of this vast combination of hostile forces, the defiling cartridge came as a veritable god-send, the most providential arrangement that the divine will could possibly have effected. To the superficial observer the rising, not unnaturally, appeared to be a purely military one. But enough has been written to show that, although it assumed the form of a mutiny, it was in its origin of a far more widespread nature, while at the same time, under the circumstances of the case, it could hardly have borne a different character. It is not easy to see what ingredient it lacked for it to constitute a national rebellion, so far as anything national can ever be produced in India. History furnishes no instance in which the Indian peasantry or population in general, as distinct from the soldiery, have ever shown more than a passive resistance to their conquerors. The war in which the Maráthas freed themselves from the Muhammadan yoke, was an unmistakably national

movement. But all that goes to make it so was closely paralleled by the incidents of 1857.

But whatever room there may be for controversy, we have a sufficiently definite basis for an enquiry as to a possible recurrence of disturbances. If providence allowed a second edition of the greased cartridges to take place, would it find all the elements of a conflagration as ready to hand as they were in 1857? If what happened thirty years ago at Mirath and Cawnpore was to take place to-morrow at Poona or Rawal Pindi, would the future historian be able to show how our wilful blindness had allowed the fuel to be collected for the fire? What classes, in a word, are now in a mood to take advantage of any similar embarrassments? India is a mysterious land, where the unforeseen is of frequent occurrence. In no country is it more futile to profess infallibility on any subject. Absolute certainty cannot be obtained. But happily there is every reason to believe that few of the predisposing causes of the great Mutiny are now in operation, and that most of the lessons have been learnt. At the same time it must be repeated that many of our actions which led up to the outburst were necessary and righteous, and that we could not have shirked them because they were certain to cause discontent. We will endeavour to examine the present circumstances and position of each of the classes who were hostile to us in 1857, and discuss the general feeling of the population as it appears to exist at present.

Lord Canning's decree of 1858, sanctioning the right of adoption in accordance with the religious ordinances of Hindus and Mussalmans, was communicated to the rulers of every Native State. The right of lapse was no more to be exercised. There was no need for the Nizám of Hydrabad, or the great potentates who bear the names of Sindia and Holkar, to feel that a failure of natural heirs would cause their realms to be added to the British dominions. Misrule has occurred in Native States, notably in Baroda. But our Government has succeeded in obtaining justice for the oppressed subjects of Oriental despots, without having recourse to the supreme measure which was apportioned to the recalcitrant King of Oudh. Had the pre-mutiny policy continued to be exercised, Baroda, Kolhapur and many other States would have been long since incorporated in the territories directly under the British Government. Far from making the reigning families our enemies, they are fully aware that the absolute security which they feel for their thrones is due entirely to the British Government. True, we have in the last few years pulled down dynasties in Afghanistan and Burmah. But in spite of the mischievous native press, the heads of native houses are

perfectly cognizant of the radical difference of the circumstances of the case. The princes of India have furnished a multitude of proofs of their devotion to the Supreme Government. The room for anxiety is, lest in the hour of danger their ability to aid us be found disproportionate to their willingness to do so. Their ancient name and fame may not suffice to hold in submission their formidable armies if they themselves are physically and mentally feeble, and are popularly regarded as mere puppets of the English Government.

It is not so easy to speak definitely concerning the position and sentiments of the aristocracy and landed gentry. Some traditions die hard ; and many families now sunk in obscurity, may still be brooding over the decay of their territorial influence, and their former high position. A large number may even yet be chafing against the restraints imposed upon them by a civilised administration. While, however, the existence of such as these cannot be ignored, it would be false statesmanship to attach to them an importance which they no longer possess. An interval, too, of thirty years of absolute peace cannot but have healed old sores, and wiped away ungracious memories ; while a new generation has sprung up to whom their fathers' wrongs are too unsubstantial and shadowy to stir them up to enthusiasm. The present aristocracy may be but a remnant of what once existed, a survival of those most fitted to encounter the various blows of fate. Such as it is, its members cannot but recognise that the integrity of their titles and the preservation of their estates depends absolutely and solely on our Government. Expediency then, if not gratitude, may bind them to the ruling race. Considerations of practical utility may be stronger than sentimental aspirations after an unattainable independence. In short, those that now enjoy prosperity would be with us. Those who might, for whatever reason, be against us, have lost their influence. There has been no measure like the spoliation of the Inám Commission, nothing like the wholesale upheavals of settlement and resumption to alienate any interests from us. The new generation of landed proprietors, small and great, can feel absolutely secure in their position. A certain stamp of time has been set upon the present order of things. A graceful recognition has been paid to the claims of the landed gentry by their nomination to the district boards constituted under the new scheme of local self-government. How far the experiment may benefit the mass of the people as yet remains to be seen. But that the extension of local self-government to the landed proprietors is extremely popular with them, is abundantly clear. Thus the balance of conflicting interests may be expected to turn in our favour. But the opposite scale

is not empty. In our haste for reform certain measures have been taken, which are not free from some suspicion of bad faith, and are greatly disliked by the landholders. In Bengal the Permanent Settlement was understood to cover all the charges of the State upon the land. But an additional tax has been imposed called the Road Cess for the extension of local communications, and in other provinces the addition of an anna to each rupee of land revenue for the creation of local funds for roads and education has been considered a breach of contract. The Bengal zemindar has a further grievance of his own. The Permanent Settlement left the ryot, or peasant cultivator, practically at the landlord's mercy. The new Bengal Tenancy Act drawn up by Lord Ripon and introduced by Lord Dufferin has, rightly as we think, interfered with a strong hand between the zemindar and his ryot. The Act was received with expressions of the most intense dislike from the whole body of zemindars. If the Act was righteous in itself it would have been unjustifiable to leave it undone for fear of offending vested interests. But it would be weak to ignore the offence that has been caused to influential men and its possible consequences. These facts cannot be disregarded, and they touch on very delicate ground. But as compared with the sweeping acts of spoliation before the Mutiny, they are clearly of minimum importance, and the blows that have been dealt are of the mildest character.

The families of Mussalman creed that have had old connection with the land can be less favourably spoken of than those of Hindu race. Their historic memories of influence and power are newer and more vivid. During native and earlier British rule they enjoyed the lion's share of high appointments under the Government. An age of examination has set in, and under this great leveller, Hindus have altogether surpassed Muhammadans. The conservative Moslem will not discard his cherished Persian and Arabic studies to cram for a competitive examination. He does not like the new system, and he is deeply indignant that his claims for pre-eminence are not accepted at his own valuation. The Government has shown the greatest eagerness to bestow appointments upon those Muhammadans who succeed in meeting the requirements of the new standard. It would not be fair to say that there are any definite symptoms of disaffection among Mussalmans. But there is undoubtedly less resignation to fate than among the Hindu population; and they constitute a more or less permanent source of anxiety. In taking leave of the subject of the landed interest, we must record our conviction, that whether for better or for worse, whether they are with us or against us, the tendency has indisputably been for the landlord

class to lose strength and influence, and become a less important element in the body politic.

The hereditary Brahmanical priesthood at the present day, except with some of the more educated classes, possesses an unimpaired influence. As of old nothing can be done without the Brahman's intervention. The exotic science of the West has after all not upset his claims to being regarded as a receptacle of divine knowledge. For he has, in a wonderful way, adapted himself to circumstances. He has mastered the new learning. It is the Brahman who works the telegraphs, and fills important offices on the railway. He can design and erect a bridge according to European principles, and put together a steam-engine; he is familiar with the medical science of Europe. He has vindicated his intellectual superiority over the races of India. For thirty years the priestly caste has seen that the Government has attempted no interference with their religion. The more thoughtful of its members may comprehend that their rulers attach little value to Christianity unless it is embraced in consequence of true and sincere conviction. The great majority recognise that far from showing any favour to native converts, Europeans have a marked antipathy for them; while Englishmen by no means display that enthusiasm for their own religion which was so conspicuous in the days of Edwardes and the Lawrences in the Panjáb. Natives have seen members of the proselytising Salvation Army thrown into prison by the authorities of Bombay for breach of the laws concerning religious demonstrations in the streets. We no longer hear of zealous officers preaching the Gospel to their sepoy. Government has scrupulously avoided interference with child-marriage and questions of a similar nature, in which, be it observed, the priesthood show all its old intolerance. The sacerdotal caste cannot have failed to notice the alacrity with which the Legislative Council passed a law against the adulteration of ghee with animal fat, when it was discovered that ghee thus adulterated was being sold in the Calcutta bazars as the genuine article. But while the olive branch has been persistently held out to the priesthood, and all cause of offence carefully avoided, it would be rash to affirm that it is, as a body, loyal. Many of its members are so, but undoubtedly many are not; and they form an element of unrest. Nor can it be hoped that danger from Muhammadan fanaticism will ever cease to exist. It is like a specific disease that can be kept in check by appropriate remedies, but which cannot be eradicated from the system, and is ready to burst out on a favourable opportunity.

The native army is now a very different organization from what it was before 1857. Instead of 2,35,000 to our 45,000,

it consists of 1,30,000 to our 66,000, while we have a supplementary force of 10,000 volunteers. It contains no artillery except a few mountain batteries whose guns are carried on mules. Preponderance of strength is no longer a snare that may lure it on to destruction. There is an overwhelming strength of British troops over the principal treasuries, the arsenals, military positions and strategic points, while at the same time no semblance of distrust of our native battalions is shown. There is no longer an unhealthy proportion of the Brahman or any other caste in the ranks. The discipline of the native regiments is altogether improved, and is in a thoroughly satisfactory condition. All the sepoys enlist under the General Service Enlistment Act, and since the Mutiny, no refusal to cross the sea or serve in any foreign country has been experienced. The sepoys have shown themselves willing, nay, even enthusiastic to proceed to Abyssinia, Malta, Egypt, Burma and Kabul; though in the latter case the war became sufficiently unpopular to make recruiting seriously fall off. In all these years no stigma of disloyalty has attached itself to a single regiment, an event that never occurred in the days of the Company. But while no appreciable grievance has arisen, the military wage is undoubtedly too low as compared with the steadily increasing rates of pay for other work throughout the country. Many of the cavalry, especially, are very badly off. But still the sepoys receive extra allowances, known as grain compensation, when the price of their food exceeds a certain rate; and in all campaigns that have been undertaken, batta has been distributed with a liberal hand. On several occasions sepoys and native officers have had the proud distinction of being taken to England and placed before their sovereign.

While the sepoys are still connected with the landed interest, they are now drawn from a humbler class, and their sympathies lie more with the peasant proprietors than the landlords, with a well-to-do rather than with a sinking or a discontented class. They belong to a body of men which has every reason to be satisfied with British rule. In many respects they comprise a very different material from that which formerly existed. They are probably more military. They are certainly less martial. They are not as a rule men who fight for fighting's sake. The warlike spirit of Indian races soon decays from desuetude. Their martial impulse, their instinct for battle, even their lust for plunder, have in great measure died away. There is less *éclat* about their profession. They enlist or refrain from enlisting upon a cool calculation as to their prospects in the army compared with those in any other opening. Of proved loyalty, their loyalty is dependent on

self-interest, based upon the advantages of a fair provision for life, regular pay, and certain pension. The spirit of patriotism in a mercenary army serving a foreign master cannot be expected to be very highly developed. In the expressive language of the East, they serve the Sirkâr to fill their bellies. But even from this narrow point of view, the army is not the prize profession that it was. Railways, mills, manufactories absorb a large number of men, who in old days would have sought their fortune in the army.

The relations between the sepoys and their European officers are on a satisfactory basis. There is liking without an excessive or misplaced enthusiasm. The position of the officer in a sepoy regiment is fully equal to that of one in a Queen's regiment. An officer would sooner doubtless command British soldiers or serve for half the period of his service in his own country. But an officer is no worse a soldier because his pocket cannot afford this luxury. The staff corps is as full of keen soldiers as the cadres of British regiments. All the staff corps officers have served their apprenticeship in British regiments, and they are in every way an identical body of officers with those of the Queen's service. Altogether, while the state of the army affords no ground for doubt as to its loyalty, there is no reason to suppose that its qualities as a fighting machine are impaired. It may be fairly assumed that foreign intrigues or internal sedition would not find a fertile soil to work upon in its ranks.

As to the population at large certain generalisations may be drawn. A foreign government must necessarily be unpopular with persons of restless temperament, for whose ambition and energies our rigid system leaves no scope. "There will always, too, be those," in Sir Richard Temple's words, "whose pulse throbs at the anticipation of coming tempest, and who wait expectantly for disturbances." The educated and student class who are yearly turned out in shoals from our universities, are possessed with a dangerous discontent at the want of openings for them in Government service. In connection with these classes must be named the vernacular press, including the native papers published in English. Its influence is a matter of controversy. Its wish to embarrass the Government is beyond all doubt. It abounds with treasonable passages calculated to excite hatred against British rule. In the unfortunate controversy of the Ilbert Bill, it disclosed a flood of hatred for all things English that could hardly have been believed. It has also had the effect of disseminating widely a fantastic and incorrect account of European politics; and deductions founded on the episodes of Khartoum and Panjdeh may be as dangerous and delusive as those which Azim Ulla

Khan drew from what he saw in the trenches before Sebastopol. The subject of the press reminds us again of the common sense of Elphinstone, who protested vigorously against the introduction of a free press into a country where liberty was ever synonymous with license.

The vast mass of the peasant population acquiesce passively rather than cheerfully in our rule. The remembrance of the oppression from which we delivered them is gone. They have no appreciative memory of the past to enable them to realise the advantages of the present. But while these are indifferent, there is always a mass of fanatics, hangers-on of courts and camps, and a mob in the great cities who are always ready for mischief. On the whole, however, a scrutiny of the results of thirty years' peace is sufficiently encouraging. The sky is not altogether clear. But while there is no reason to suppose that the Government is inclined to ignore any timely consciousness of danger, we feel justified in believing that there is a deeply founded peace without laying ourselves open to the charge of crying peace when there is no peace. It is impossible to deny that at any instant another thunderbolt may be hurled out of a clear sky. Some ill-considered order about vaccination or compulsory education, might set the whole country in a ferment. But there is not the slightest reason to believe that such an order would be welcomed as an opportunity by the leaders of the various sections of native society as the greased cartridge undoubtedly was. The lessons of the Mutiny have been learnt to an almost unexpected extent. If on a few delicate points, a caution may be needed, there is no reason to suppose that it will not receive due attention.

EDMUND C. COX.

ART. IV.—THE LIQUOR TRAFFIC IN BRITISH INDIA ;
OR HAS THE BRITISH GOVERNMENT
DONE ITS DUTY?

“**D**OEST thou well to be angry for the gourd ?” And he said, “I do well to be angry even unto death.” Such were the words of the Prophet Jonah, 800 B.C. : it is well even in this age of hasty judgment and rash words, to be angry, when statements are made by public men in public places which are wholly unwarrantable, and the Government of a great dependency, the greatest that History ever knew, is held up to scorn for having initiated and continued for more than a century, a policy of the damnable nature of deliberately destroying the morals of two hundred millions placed in their charge and at their mercy, for the sake of realising a paltry revenue. As one of the chief speakers put it, “The wants of the Indian Exchequer are so urgent, and it is so easy to bring “in revenue from the increased sale of drink, that the temptation is irresistible to go on licensing more drink-shops.” There is no getting out of the difficulty : the charge is not made on this occasion against the British people, the great shipping and commercial and manufacturing interests of Great Britain, but against the Government of India.

How did it come about ? For more than twenty-five years there has existed in England an association called the “Church of England Temperance Society,” which by its numerous branches has done an infinity of good to the people of this island, who are notoriously a thirsty race, and, in addition to many excellent qualities which have placed them in the front rank of nations past and present, do not possess, and never have possessed the great grace of Temperance. Total Abstinence is the miserable and desperate remedy of the dipsomaniac, the weak-hearted and coward, while temperance in all things lawful is the glory of the Christian man, using the good gifts of his Creator, as they were intended to be used. Happy are those who from their youth up, not under the influence of a pledge, or a command, or a craze, have of their own free will and inclination learnt to dispense with the use of stimulants and tobacco : but this grace is not given to all, although the number is annually increasing. The above-mentioned Association determined in 1886 to make a new departure, and to carry the war all over the world. A letter was addressed to the Primate of England by the Chairman of the Society, enunciating this new policy, and stating with regard to British India

that "a nation of abstainers was gradually becoming a nation of drunkards": that "drunkenness had disappeared, but was reintroduced by the British": that "nothing was done to check the evil by legislative measures": that "nearly every village had its liquor shop, and the natives believed that they were *conferring a favour on the Government* by buying the liquor." We are not told in the pamphlet to whom we are indebted for the last sentiment, but it looks as if the writer had had a rise taken out of him by some astute Babu from a Presidency College, who had acquired bad habits; but Archdeacon Farrar is credited with the following dictum, which no doubt drew down rounds of discriminating and temperate applause:

"We have girdled the world with a zone of drink."

The selection of authorities in the appendix to the pamphlet contains no single name which carries any authority whatever: one person suggests that total abstinence should be a condition precedent to Baptism, for which there is no warrant in Holy Scripture: another person translates "sharāb" as "shame water": this rendering may deceive excited hearers in a public meeting, but will not hold water in Asia, and has no warrant in the dictionary. Another person cannot see any other explanation for the increase of income, than the encouragement by the State of the sale, forgetting that a higher rate of taxation, only limited by the margin of profit to the smuggler, would have the same result. A great increase in the amount of Police fines in the metropolitan area in a given period would imply, not that the Magistrates had encouraged intemperance and wife-beating, but had punished it by heavier fines. The late King of Oudh is credited with the merit of not making a revenue out of the sale of spirits: it is true, for he allowed distilleries to be worked without any check whatsoever. This would hardly seem a wise policy either in India or Westminster. Another person states, and no doubt correctly, that the educated classes betake themselves to imported liquors, and infers, that the Government is entirely responsible for this state of things. Has that person considered whether in a country of which free trade is the glory, any import can be excluded without raising difficult complications with British and foreign producers? The same person remarks, that the heathen regard the use of intoxicating liquors as a sign of a Christian. I shall show below, that this person must have imperfectly studied the literature of India to arrive at such a conclusion. Nanda Lal Ghose, a Barrister, undertakes to state, that the Demon of Drink was introduced by a Christian Government. I must refer him to a closer study of the esteemed writings of his own countrymen. Another person states (as the result of

six months' tour in India) that the natives, if left to themselves, would not have *licensed* shops for the sale of the vile alcoholic compounds which come from Europe. No doubt, that, if the State control and tax were removed, there would be an unlimited amount of *unlicensed* shops. And with all deference to the same person's opinion formed in the railway-train, or the hotel, or rest-houses, and unassisted by the least knowledge of the vernacular, I do not think that in matters of morality the Government of India falls behind the ethical code of the people, as unquestionably the slaughter of kine was prohibited while the slaughter of widows, female children, aged relations and lepers, was considered to be a religious duty, and the practice has been only abandoned, or checked, under the pressure of severe penalties, without any assistance from the moral consciousness of the nation. During the Mutinies the Emperor Napoleon III, received a petition from India praying for assistance to drive out the British, who had forbidden their time-honoured customs, among which these amiable customs were enumerated.

But another movement had been made with less sound of the trumpet, perhaps with more soberness of statement, by missionary societies to stem, if possible, the stream of liquor which was flowing from European ports into the rivers of West Africa. In December 1884, while the Berlin Conference was sitting to arrange the affairs of the Dominion of the Kongo, at my suggestion, a deputation of the Church Missionary Society was received by the Under Secretary of State for Foreign Affairs, to lay before him the state of the case, and urge the introduction into the treaty of some clause, restricting by a system of excise the importation of European liquor into the basin of the Niger. The Bishop of Sierra Leone made an impressive speech, and I was permitted to follow him, and I ventured to remark, that the missionaries were not seeking their own personal interests, but those of the people who could not speak for themselves, and that they did not ask for impossibilities, such as the absolute prohibition of the import of spirits, but only for the regulation by means of excise and licenses of liquor shops. Great credit should be given to the representatives of Great Britain and of the United States for their gallant attempt to introduce a clause, but it was necessary to make a compromise with Germany and France, and the clause was abandoned. In October 1885, the German missionaries assembled at Bremen in North Germany, brought to notice the lamentable consequences to the people of Africa of the uncontrolled import of spirituous liquors, chiefly from Hamburgh, and Dr. Zahn, the Inspector of the North German Missionary Society, published a powerful German pamphlet

on the subject, and was good enough to make communications to me, which enabled me on the 20th January 1886, to bring before an assembly of representatives of all the great Missionary Societies at the Wesleyan Mission House, Bishopgate Street, the following resolutions:—

A. That the Protestant Missionary Societies of Great Britain and Ireland should send a deputation to the Foreign Office, to point out the ruin which threatens the Negro populations of West Africa generally, and of the basin of the Niger in particular, by the unrestricted importation of spirituous liquors from Northern Europe, and to inform the Foreign Secretary that the German and German-Swiss Missionary Societies assembled at Bremen last October have brought the subject before the notice of the Imperial Government at Berlin with the same object, admitting frankly that the town of Hamburg is one of the greatest offenders in this matter.

B. The deputation should impress upon Her Majesty's Government, that the present state of affairs will not only prevent the development of legitimate trade in the manufactures and products of Europe, but will destroy, physically as well as morally, the population of a country, rescued from the Slave Trade by the expenditure of British lives and resources.

C. The remedies suggested as feasible, in which the German Societies agree, are—

(I.) The imposition of a substantial Import-duty, fixed at a scale just low enough as not to make smuggling profitable.

(II.) The introduction of a system of Licences, by which the sale would be restricted to certain shops, maintained by responsible parties. A substantial fee to be levied for each licence.

(III.) The forbidding of any British person or British Company remunerating labour, or bartering for natural produce, in spirituous liquors.

(IV.) The discontinuance on the part of the British authorities of making presents of cases and bottles of spirits to Natives, or offering or receiving entertainment in spirits on the occasion of public ceremonies.

The Revenue collected from the Import-duty and Licence-fee will suffice to maintain ample Government establishments for the purpose of enforcing the regulation of Customs and Excise now proposed.

(D.) The leading secular organs of public opinion should be invited to bring home to the public conscience the lamentable consequence of the neglect of remedial measures *before the evil exceeds the possibility of control and remedy*. A promising market, both of export of Native produce and the import of European manufactures, will be destroyed by the short sightedness of the first generation of merchants, who would literally kill the goose to get at the golden eggs: this point of view concerns the manufacturer and merchant; but the Missionary Societies ever have their thoughts solely fixed upon the awful crime of ruining millions of a race in a low state of culture, and unable to protect themselves, by the introduction of rum, gin, and alcohol, *of the very existence of which the Negroes never heard before, and with which they could not supply themselves except by the agency of European merchants*.

It was agreed, after discussion, that the subject should be referred to a Committee delegated by each Society, who should confer, and make a collective report to their several committees, and that final action should then be taken. This eventuated in an able and comprehensive pamphlet, entitled "Trafficking in Liquor with the Natives of Africa," from the pen of the Rev. Horace Waller, so well known as the companion of Livingstone, stating the whole case, and published in the beginning of the year 1887. I have alluded to these proceedings in detail, as no doubt those who disagree with me in my argument, defending the Government of India against the unjust aspersions thrown upon it, may be tempted to cry out, that I am a kind of Philistine, and one who cares little for the welfare of native races: on the contrary, it is the leading object of my life, and I was up in arms for the people of West Africa long before it had occurred to the Church of England Temperance Society to lend an ear to the exaggerations and downright falsehoods which have for the present arrested its useful and benevolent career.

On the 30th of March of the year 1887, a meeting was held in Prince's Hall, Piccadilly, of all persons interested in this great subject, "The Demoralization of Native Races by the Drink Traffic." The Bishop of London was in the Chair. The practical object of the meeting was to appoint a Committee to collect information, and I among others was requested to attend, and to allow my name to be placed on the General Committee, to which I gladly assented, believing, in the innocence of my heart, that the term "Native Races" was meant to include those unfortunate races of Africa and Oceania which, being under no settled form of Government able to protect them, were at the mercy of the unprincipled European importers of European spirituous liquors, as described in Mr. Horace Waller's pamphlet.

The Bishop of London made an admirable opening address carrying every one with him. He was followed by Archdeacon Farrar, who proposed the first resolution, and astonished many of his hearers, (and among them most particularly myself, by stating, that his portion of the task related to British India. Now India is a great dependency of the British Crown, with a Constitution of its own, a Budget of its own, owing nothing to Great Britain, and paying no tribute to Great Britain, governed under a system of law by able and high-minded men, sent out from time to time by both of the great parties of the State, who are assisted in the subordinate administration political, fiscal, and judicial, by the great Civil Service of India, which is elected by competition from the flower of the youth of each year, restrained by covenants, controlled by rules, guaranteed

by law, and upheld in the high and steadfast path of honour and duty by feelings of self respect, and the consciousness of integrity never questioned, and purity of motive, upon which no shadow during this century had ever been cast. In a book which I published this year, "Linguistic and Oriental Essays," 2nd Series, when reviewing the miserable state of Egypt, I contrasted with it the state of affairs in British India, remarking, "that the British official, wherever he goes, carries "with him in his office box the dignity of a gentleman and "a Christian: under no circumstances, or in any place, and "in any environment, would he condescend to do or say what "is false or mean: he would shrink from what is cruel and "treacherous: he would proudly turn away from what is "wanton or sordid." And yet Archdeacon Farrar, with knowledge, or without knowledge (it matters not which), that the administration of British India is entirely in the hands of the Covenanted Civil Service, with the exception of the post of Viceroy, and the Governors of Bombay and Madras, in strong, slow, and measured words, dared to say—

"They found India sober and left it drunken."

As the Head Master of a great public school, he could not resist a quotation whether apposite or not

"pudet hæc opprobria nobis

"Et dici potuisse, et non potuisse, repelli."

The indignation, which I and other members of the Indian Services felt, when we listened to this speech, can scarcely be described: the desire was to interrupt the meeting by loud protests, but the kind and wise address of the Bishop of London held me back, as to disturb the meeting would be to vex him: my chief desire was to get away from a hall, where such things were uttered and applauded.

He was followed by Mr. Samuel Smith, M. P., who, freed from the restraint of the presence of Under-Secretaries of State for India, and ex-Governors of Bengal and Bombay, who had to a certain degree kept him in order in the House of Commons, mounted his hobby, and in order that full justice may be done to his eloquence and accuracy of statement, I quote from the report in the "Rock" newspaper:

During his recent visit to India he found a complete unanimity of opinion as to the rapid increase of intemperance. The natives imitate Englishmen in drinking with disastrous effects, for they have not the same power of self-control, and their constitution is not so strong. *Before the English were in India the sale of strong drink was unknown. By religion and custom the people of India were total abstainers*

Mr. Smith produced a profound impression by his calm and clear statements. He gave some items from a letter which

he had received from an English missionary, which created a painful impression.

"No one would say or think," says the missionary, "that Government desire to foster the vice of drunkenness in its Indian subjects, whereupon Mr. Smith remarked amid cheers, *"That is a charitable statement,"* and continuing the reading of the missionary's letter, said: "But Government wants *money*, and the Board of Revenue has found out that one way to get it is to encourage the drink trade, and to put facilities before the people generally to take to the habit of drinking, in order to push on the trade and get in a larger revenue, so that really the Indian Government is guilty of the crime of pushing a trade for fiscal objects, which is fast spreading the terrible evil of drinking and drunkenness throughout the country." The speaker went on to describe how this had been effected by the out-still system. "Formerly certain central distillers were alone permitted. Instead of this, under the new system, native distillers were at liberty to open their own stills and manufacture as much as they liked and what they pleased, by paying a monthly rent to the Government for permission to manufacture and sell. This brought the liquor down from about two shillings or so a bottle to about two pence, and the stills multiplied a hundredfold. The consequence was there was a regular rush for the drink from all classes, the *very beggars and boys and women* taking to it. There are two facts of importance which should not be lost sight of in native drinking. First, natives have no idea of moderation in the use of strong drinks. They try to get drunk, and therefore they imbibe by the bottle, not by the glass. Moreover, while many Europeans reform and give up the drink, the native goes on to the bitter end. Once a Native becomes a hard drinker, he seldom or never can give it up, for the want of moral courage. The revenue in India is chronically short. The mass of people are poor beyond any standard of poverty known at home. We hold India by prestige, but in the long run, we shall only hold India by the prestige of righteousness.

He thought that the greatest kindness an audience can do to the Government of India is to elevate their standard of righteousness, a sentiment which elicited warm approval. Mr. Smith quoted the testimony of a native doctor to the effect that 90 per cent. is the proportion of deaths from drink, and, making every allowance for Orientalism, the statement is terribly appalling.

I quite admit that the throne of the Empress of India is founded on righteousness, and that the British nation is only permitted to rule over that great country on the condition that their rule should be righteous; but truth is usually coupled with righteousness, and here it appeared to be entirely dissociated. A French downright hater of Great Britain would have carefully collected his facts and marshalled his authorities. An English clergyman, and a member of the British Parliament, seemed under no such necessity. A line of Juvenal came to my recollection:

"Quid Romæ faciam? mentiri nescio."

I left the hall, feeling, with many others, that the liquor merchants had effected a great triumph. Truth was the only weapon with which we could meet them : with carefully collected facts and tested statistics, the Committee of the Missionary Societies had prepared for a direct attack on the common enemy, the merchants of Great Britain, Germany, France, and America. Some of the Missionary Societies of the last-mentioned country had expressed to me their entire concurrence in the attempt that was to be made. By the speeches of the Archdeacon and Mr. Samuel Smith, the whole character of the struggle was altered : the attack was now upon the constitutional Government of British India, or rather on the covenanted servants of that Government : it was a charge of a character worse than that made by Cicero upon Verres, inasmuch as the plunder of provinces from personal greed is a less heinous offence than the systematic poisoning of the bodies and souls of a great and historic nation for the miserable object of adding a few lakhs of rupees to the revenue of the State. Moreover, if the speakers only understood their brief, they must have felt that the line of Juvenal applied to them :

"Dant veniam corvis : vexat censura columbam."

The British merchant who brought the brandy and whisky and gin and choice wines in such abundance to India, the British planters of the Mauritius, who flooded Bombay with rum, were the real offenders, if any tangible offences existed. With singular inconsistency, after Sir Charles Warren and the Negro Missionary James Johnson had pleaded earnestly and truly for Africa, after Mr. Caine, M.P., had made a speech about Egypt, which had no bearing upon the subject after Mr. Horace Waller had vainly striven to bring back the meeting to the region of common sense and calm judgment, the following resolutions were passed, which bear no relation whatever to the false and libellous statements of the chief speakers, and which clearly indicate, that this attack upon the Government of India was not contemplated by the Director and Secretaries of the Church of England Temperance Society, for no one can hesitate for a moment in giving their hearty consent to these resolutions :

1. That the traffic in strong drink as now carried on by merchants belonging to Christian nations in India, Africa, and most of the colonies and dependencies of the British Empire, has become the source of wholesale demoralization and ruin to the native races and is proving a fatal stumbling-block to the progress of the Gospel among them.

2. That in the interests of Christianity and humanity the facts bearing on the traffic and its results should be made more generally known to the people of England and other countries, with a view to the formation of a sound public opinion, and eventually to the passing of legislative enactments for the repression of such traffic.

3. That for this purpose a Committee be formed, to include, besides members of the Executive of the Church of England Temperance Society, representatives of the leading Missionary and Temperance Societies.

But the mischief did not end with the meeting. No one would have troubled themselves with the platform speeches of a travelling Member of Parliament, the creature of the hour: we have known the genus in India for the last forty years, the man who asks questions, makes copious notes, and looks as if he could see through a millstone. King Solomon remarks, that there were three things which were too wonderful for him, and four which he knew not: but in modern times there is a fifth which is beyond the comprehension of the most wise,—it is the way in which the travelling Member of Parliament is gulled, and the plausibility with which he tries, on his return to England, to gull others: he meets an intelligent-looking man in the railway carriage, or passes a night at the home of the most crotchety man of the station, and he stuffs his travelling bag with crude undigested facts, and then gives it out on a Manchester or Liverpool platform with the air of a Prophet who has just come down from the Mountain, forgetting that the Science of Rule of subject millions is the greatest and noblest of sciences, only mastered by few after the study and practice of decades, and not during an excited tour of six weeks. But the chief orator on this occasion was a man of a different stamp, a real man; one of the greatest of the Metropolitan Clergy; one who has done for the young men of London more than any living man; one whose written works are read by thousands, and whose spoken words are listened to by hundreds, in fact, one of the great Workers and Speakers of the period.

What was to be done? It was clear to me what I must do, *viz.*, at once to resign my seat on the proposed Committee, and to decline any joint action with the Society, until these speeches were as openly disallowed, as they were openly applauded. Canon Ellison in his reply to my letter stated that—

As far as he knew, no attempt had been made to disprove the statements contained in the pamphlet: he further stated that the object of the Committee was to sift and test such assertions; to disprove, if truth should require it, quite as much as to prove, and in some cases to vindicate the character of Government unjustly assailed. He assured me that the Committee could be in no way responsible for the statements made at the Meeting: he begged me finally to continue on the General and Executive Committees.

At a subsequent date I was invited to join the Sub-Committee appointed to consider the reply of the Viceroy of India,

which will be noticed below. From the first I felt that Canon Ellison and the Church of England Temperance Society were not responsible for the indiscreet utterances made in Prince's Hall, but I felt also, that I could serve the cause, the great cause which we all had in common, by standing aloof, waging my own battle, and trying to clear the air of these clouds of ignorance, and make the way open to an advance based on facts and the truth, not on sensational and inaccurate statements.

Mr. Horace Waller entirely agreed with me : as he was one of the Speakers at the Prince's Hall Meeting, he was stout-hearted enough to speak out his mind and tell the audience, "that a man who is intemperate in his facts, is just as much "a dram-drinker to his own harm as any dram-drinker of "the ordinary kind, and that figures could be brought together "and presented to a meeting, which *were a great many degrees "above proof.*" These honest remarks were hooted by an excited audience who only cared to listen to prophets who prophesied according to their own views. It was determined not to dissolve, but only suspend the action of the representative Committee of the Missionary Societies ; it would not have been wise to allow this great subject to fall exclusively into the power of the Committee of the Church of England Temperance Society, which was clearly under the temporary influence of fanatics, but which in a short time would recover its equilibrium and become the centre of renewed efforts in the great cause.

I lost no time in forwarding a copy of the Report of the speeches of the Meeting to the Right Honorable the Secretary of State for India, praying that means should be at once adopted to disprove the assertion, "that it is the policy of "Government to encourage drunkenness in India with a view "of increasing the revenue," and I was assured that the charge was groundless : that the consumption of spirits was repressed by a repressively high duty ; and that since 1872, in consequence of improved excise administration, the number of liquor-shops had steadily and appreciably decreased, notwithstanding the increase of the population during that period. I addressed the Under Secretary of State for India privately at his house, pointing out the extreme gravity of the statements made, and the receipt of my letter was acknowledged: A despatch was expected in a few weeks from the Viceroy of India in reply to the pamphlet of the Church of England Temperance Society, sent out in the previous autumn. The task which I set before myself divided itself into three heads :

I. Did the British in very deed find the people of India total abstainers from the use of spirituous liquors and drugs, or even temperate users of the same ?

II. Has it been the policy of the State, and of the servants of the State, to enhance the revenue of the excise at the expense of the morals of the people?

III. Has the revenue of the excise increased beyond what was to be expected from a people doubled in population, quadrupled in wealth, and exposed to the insidious dangers which accompany an advance in civilisation and increased intercourse with other nations, those nations famous for wholesale export of spirituous liquors?

The first point was historical, and my proofs had to be collected from a long list of Sanskrit, Pali, Persian, and Hindustani writers, extending over more than two thousand years: fortunately for my argument, just as the use of wine for purposes of intoxication can be traced back to the time of Noah, so in India the use of intoxicating liquor is vouched for in the Veda, the most ancient and sacred of Hindu books, and can be traced, as I shall proceed to show, from generation to generation to the present time in the Hindu, Buddhist, Mahometan and Sikh annals. The second point, and the third, would rest upon the expected despatch of the Viceroy, upon the Report of the Bengal Commission of 1883-1884, and the Annual Administration Reports of British India, presented each year to Parliament. Things in British India are fortunately not done in a corner, and the Government of India is famous for its outspokenness, for the naked way in which it exposes both the successes and the failures of its administration: the quinquennial change of every high officer of State alone renders this possible. There is no desire of an hereditary blockhead to screen the errors of his scoundrel ancestor. Each Viceroy and each Governor knows well that he leaves his character behind him. Lord Dufferin's despatch, dated June 25th, 1887, was published on the 4th August, but did not reach me till September 10th, just as I was starting on a long journey to Morocco: so I contented myself for the time with a letter to the *Times*, which appeared on the 16th of that month, as a cartel thrown down to my antagonists, and on my return I proceed to make my reply to Archdeacon Farrar's thesis in detail. I deal with the first part—

“We found India sober.”

It so happened that in 1873, a very distinguished Hindu scholar of Calcutta, Lala Rajendra Lala Mitra, President of the Bengal Asiatic Society, published, in the Journal of that Society, an essay on the use of spirituous liquors by the Hindu, tracing the practice, by quotations from the most esteemed Sanskrit authors, from the earliest ages. To me it seemed, when I first read this essay, in exceedingly bad taste thus to parade the weaknesses of his countrymen, and I should think poorly

of an English literary man, who out of pure malice traced back by quotations from Shakespeare, Chaucer, and Caedmon, the drunkenness of the Anglo-Saxon up to the time of the origin of the race; yet this great Sanskrit scholar took the trouble to do so in 1873, and in 1881 republished it with other of his learned essays in his collective volumes, "Indo-Aryans, Contributions towards the Elucidation of their Ancient and Mediæval History." As in the foot-notes of his essay he gives the original Sanskrit quotations from each author quoted in extenso, any one who knows Sanskrit can satisfy himself of their accuracy. The quotations are easily accessible from the great epic and dramatic authors and the Veda, and I have them in my private library: it is indeed a most astonishing revelation; perhaps one ought to have expected it, but I certainly did not do so. I attributed the deplorable habits of intoxication, so notorious among certain races and tribes, to a decadence from a higher standard of life, rather than an uninterrupted continuance from their cradle.

Rajendra Lala remarks that drinks have a peculiar charm which enable them to hold their ground against the deductions of science and mandates of religion; that the history of Mahometan civilization illustrated this assertion, for no one condemned more emphatically the use of wine than Mahomet; and yet that there is no Mahometan country, where the consumption is not considerable. Gibbon remarked cynically last century, that the vines of Shiraz have always prevailed over the law of Mahomet. When the Indic branch of the Aryan race crossed the Hindu-Kush at some remote period into the Panjáb, the earliest Brahman settlers indulged largely in "Soma"-beer, and strong spirits. To the gods the most acceptable offering was "Soma"-beer, and wine or spirit, which in India are identical, was sold in the shops. In the Rig-Veda Sanhita (Wilson, vol. ii. p. 204) occurs a hymn which shows, that wine was kept in leather bottles, and freely sold to all comers. A minority of authorities doubt whether "Soma" was intoxicating, but all admit that "Sārā" or arrack manufactured from rice-meal, and also alluded to in the Rig-Veda, was highly so; and this clearly shews, that the Vedic Hindu of a period long anterior to the Christian era, did countenance the use of spirits: but Professor Whitney clearly proves, that "Soma" was intoxicating: it is supposed to have been the juice of a climbing plant, the "Asclepias acida" which was extracted, fermented, and produced exhilaration grateful to the priests. The liquid had power to elevate the spirits and produce a temporary frenzy, under the influence of which an individual was prompted to do, and found capable of doing, deeds beyond his natural powers. Soma was therefore deemed divine, and became a

deity, the myth running on parallel lines to that of Dionysus or Bacchus, who came from India into Hellas.

As time went on the later Veda forbade the use of spirits for the purpose of animal gratification, and said, that drinking was as bad as the murder of a Brahman. The Smṛiti included wine-bibbing among the five capital crimes, and ordered the severest punishment. Manu, 500 B.C. and others, denounced the use, and fortified their dicta by legendary tales of frightful punishments; yet it is clear, that at no period in their history has the Hindu nation abstained. Priests and respectable and pious householders did so, but they were but a fraction of the community, and there was at all times, as there is now, a considerable amount of hypocrisy on the subject. Sanskrit literature, both ancient and mediæval, leaves no doubt, by its casual allusions and unpremeditated admission, that wine was extensively used by all classes at all times with rare exceptions of individuals. Manu found the public feeling so strong, that he remarks, that there is no turpitude in drinking; but that abstinence produces a signal compensation. The soldier and the merchant (or in other words the Kshatriya Rajpūt, and the Vaisya, or trader, both of whom belonged to the order of the Dwija or twice-born) must not drink arrack, but were allowed the choice of all other liquors, whose name was legion; the Sudra, or lower class, might indulge freely without restraint: the Brahman, or highest class, must totally abstain.

The rules or aphorisms known as the "Sūtra" are dated, some about 600 B.C. anterior to Manu, and some later: the Brahmana are of various dates, the Aitareya being fixed at 700 B.C.: in them we find, that not only the Soma and Sārā retained their firm hold of the people, but we read of new candidates for the public taste, the Mohwa or Bassia latifolia, so popular as a drink to this day, the Gandi or sugar-rum, the Tari or toddy, from the palm: so the drinks of the Hindu, as well as their castes and religious rites, and magnificent literature have an unbroken lineage of at least twenty-six centuries.

In the fascinating epic poem of the Ramáyana by Valmiki, which has been my delight for more than forty years, we find frequent notices of wine and drinking. The great sage Visvámitra, himself the reputed author of some of the hymns of the Rig-Veda, entertained the great sage Vasistha with Maireya (or rum) and Sāra (or arrack), Bhardwāja, another great sage, offered wine to Bharata, King of Ayodya, and his soldiers, who stayed one night with him during their search for Rama. Sita, the beautiful and faithful wife of Rama (himself an incarnation of the Supreme Deity), promised to offer to the River Goddess, Jamna, in the event of her safe return, one thousand jars of arrack. Nor was she herself, nor her husband,

the incarnation of Vishnu, averse from the cheering cup, for we read in the last book of the noble Epic, how Rama, embracing Sita with both his hands, made her drink pure Maureya wine or rum, even as the God Indra makes Sachi partake of nectar. Not was the practice confined to the Court, for it is incidentally mentioned, that King Bharata found his city Ayodya plunged in grief for the loss of Rama, one symptom of grief being the absence of the exhilarating aroma of arrack. Moreover, in the palaces of Sugriva, the King of the Monkeys, and of Ravana, the King of the Rakhsha, the greatest glory was the smell of arrack, as the poets could not conceive the notion of luxury, joy and splendour, without the presence of intoxicating liquor in ample abundance.

In the Mahabharata, another magnificent epic of a later date than the Ramáyana, the leading characters, whether heroes or demigods, or Krishna, himself the Incarnation of the Supreme Deity, are described as indulging in strong drinks, and no pleasure party was complete without them: we read of Krishna and Arjuna, with their wives and sisters and daughters, indulging in drink. Queen Suddeshna is described as sending her maid to get a flagon of good drink for her use: the Yadava of whose race Krishna was born in the flesh, are described as being so overcome with drink at a seaside watering-place, that they destroyed each other in sheer drunkenness.

The doctrines of Buddha must have contributed much to check drunkenness and the use of wine, as well as of flesh, but could not suppress either. The Játaka and Avadána abound with stories of drunkenness: it must be recollected that the Játaka are the narratives of the former births of Buddha himself; whether they are historical or fanciful tales, they reflect the notions of their compilers on this subject. In the sculptures of Sanchi are figures of ladies of high rank, and their attendants holding cups and flagons. In a Buddhist drama, the Nagananda, the plot turns upon the vagaries of a drunkard, who had for his love one of the attendants of the queen. In other love-scenes the lover is described as offering overflowing goblets to his lady-love. We may look at the subject from another point of view. Mr. Spence Hardy in his Manual of Buddhism, tells us how the use of intoxicating liquors is forbidden: when only as much tari, or toddy, is drunk, as can be held in the palm of the hand, it is a minor offence: it is greater, when the amount can be held in both hands; and greater still, when so much is drunk that all things turn round. To constitute the crime of drinking there must be (1) intoxicating liquors made from flour, bread, or other kind of food: (2) actual intoxication produced by these liquors: (3) they must be taken with the intention of producing the

effect: (4) they must be taken of free will. Many a regular toper would escape punishment by an ingenious application of these rules. Moreover, the Christian moralist would scarcely think the Buddhist motive for temperance sufficient, being only to avoid the six evil consequences (1) loss of wealth; (2) arising of quarrels; (3) production of diseases, like sore eyes; (4) bringing down the disgrace of rebuke from parents or superiors; (5) exposure to shame for going about naked; (6) loss of judgment for carrying on the affairs of the world. It is clear that the use of liquor taken moderately was not deemed wrong, and that worldly advantage was the only incentive to induce a man not to degrade himself to the position of a beast by getting drunk.

The great dramatist Kalidása probably lived after the Christian era: the latest date assigned is 600 A.D. In the famous drama of the Sakuntala, the Superintendent of the Police, who is also brother of the King, proposes to spend the present which he had received, in a glass of good liquor at the next wine shop. An English policeman could not have been more pronounced in his taste for strong drink. In the fine heroic poem, the Raghuvansa, by the same poet, one of the grandest of poems, drinking booths are described as being set up at Rajamandri by the soldiers of Raghu, an ancestor of Rama, to drink the famous cocoa-nut liquor of that place. It is clear also, that women of quality drank in their husband's society; for in the great poem by Kalidasa, the Kumára, Sambhava Rati, the Indian Venus, the wife of Kama, the god of love, mourning the loss of her husband, says, "Rice-liquor (*alias* arrack) which caused the reddened eyes to roll, and "speech to get disjointed at every step, has in thy absence "become a torture to poor women." In the same poem it is described, how the ladies rushed to the window to see a procession, and evolved the odour of arrack which they had drunk.

The Purána vary in date: the oldest has been placed in the sixth century of the Christian era: the latest in the thirteenth, or even the sixteenth century; they abound in descriptions of wine and drinking, and though the object of many of them is to condemn the use of wine, the inference is clear that there was a widespread malady, which they proposed to overcome. The Bhagávata Purána enjoins the use of spirit by the Brahmans at one particular rite. In another Purána the great goddess Dúrga is represented as particularly addicted to strong drinks.

Other quotations from later authors could be made *ad libitum*, more particularly from the poetical literature, to show how frequently references are made to drinking among the

higher classes. The Tantra are books of a later date than the Purána, and are of extreme importance with reference to the life of the modern Hindu. The Saiva Tantra gives full liberty to their votaries to indulge in drinking spirits. No worship to the Devi can be complete without wine, and the worshippers sit round a jar of arrack, and drink, and drink, till they fall to the ground in utter helplessness. The most appropriate way of drinking liquor is in the mystic circle, but as this cannot be got every day, the devotee takes the bulk of his potatoes *after his evening prayer*.

Pulastya, an ancient sage, and author of one of the Smriti, of a remote and uncertain age, enumerates twelve different kinds of liquor beside the Soma-beer : they are (1) the jack, (2) the grape, (3) the honey, (4) the date, (5) the palm, (6) the sugarcane, (7) the Mohwa, (8) the long-pepper, (9) the soap-berry, (10) the rum, (11) the cocoa-nut, (12) the arrack or rice. The mode of preparing all these liquors is described in one of the Tantra, and they were all taken neat, and it was necessary to eat a wine biscuit with them, to remove the smarting in the mouth caused by raw spirit. These wine biscuits had many technical names, and one of the names of the great god Siva, the third of the triad, is "Lord of wine-biscuits." No drinking party was complete without these titbits.

We learn from Arrian's Periplus of the Erythræan sea, that quantities of foreign wine were regularly imported into India two thousand years ago, and met a ready sale. The varieties mentioned are from Laodicea, Italy, and Arabia : they were more costly than the native wines, and only used by the rich. History seems to repeat itself ; and the British shipper, distiller and brewer had his prototype, and is but a servile imitator of the astute Greeks !

Medical works of the Hindu tell us of the diseases which were the sure punishment of intemperance : we find in Sanskrit the word "wine-horror," suggesting delirium tremens : wine-disease, suggesting gout : wine death, suggesting the well-known phrase "drank himself to death." The description of the diseases is given in Sanskrit words. Such names could not have come into existence, had there not been immoderate drinking in many instances to give rise to the complaint. In medical works there are a number of recipes for removing the odour of wine from the mouth. We have seen how in elder days the aroma of spirits was not concealed, but welcome, even from the mouths of ladies : a more hypocritical age tried to hunt with total abstainers and run with the drunkards : there was clearly a class of rich men who drank in secret, and wished to pass among their neighbours as total abstainers, like the women in Europe who in this generation drink liquors sent in by the

grocer's stores, and get rid of the smell with peppermint lozenges.

I feel a sort of compunction in thus exposing the venerable Veda, and the charming epics and dramas of the Hindu to scorn: they have been the delight of my life. No one who had read Horace or Juvenal, can doubt that the Romans drank more than was good for them: Homer tells us in the *Odyssee*, iii. 139:—

οἶνον βε βαρῆσθες νῆοι Ἀχαιῶν,

and he himself is said never to have prosecuted his labour as a poet till he was well drunk. We cannot doubt that the Greeks drank. The great catena of Greek authors could be quoted to show that they drank and drank to excess: they attributed to their gods the same weaknesses as their own: otherwise what occasion had Jupiter for Hebe and Ganymede as cup-bearers? When Mercury visited Calypso, she served him with drink. Minerva was the only one of the Immortals who never drank: if it be argued, that this was only the fancy of the poets, I reply, "Just so: their writings reflect the feelings of their own age, whether in India or Hellas: they do not allude to railways and telegraphs, but they do to drink, because they and their hearers knew what it was." When Peter, with the Apostles, was charged with being full of new wine, he did not repel the insinuation as a gross insult, but remarked that it was not the third hour of the day, or, as Dean Alford puts it, "he showed the improbability of intoxication at that hour of the morning:" hence a fair inference that some of the Jews at that period drank. We cannot admit that the Hindu nation were a good innocent people, who did not know how to make fermented beverages, how to distil, how to import from Europe, how to drink to intoxication like brute beasts, how to acquire frightful diseases, how to get rid of the odour of wine from their mouths, and to play the part of sanctified total abstiners, until they had been taught all these tricks by the British collector of revenue, anxious to increase the excise: and yet it is necessary to place these facts on record.

But perhaps the Pagan tribes of India, who lie outside of the Hindu and Mahometan civilisation and religion, according to the poets and popular fancy, leading rude and simple pastoral lives in secluded valleys, or on the slopes of the Himalaya, had escaped this contamination. Up to this day many of them have scarcely seen a European, or visited a city. Forty years ago Mr. Brian Hodgson thus wrote of the Bodo and Dhimal on the confines of Assam.

They use abundance of fermented liquor made of rice or millet: it is not unpleasant. Brewing, and not distilling, seems

the characteristic of all non-Aryan races, all of whom make beer, and not spirits : the process is very simple : the grain is boiled : a plant is mixed with it, and it is left to ferment : in four days the liquor is ready : the plant for fermenting is grown at home : this tribe use tobacco, but not opium or distilled liquor. I do not brand them with the name of drunkards, though they certainly love a merry cup in *honour of their gods* at the high festivals of their religion : among my own servants the Bodo have never been drunk : the Mahometan and Hindu several times, excessively so."

There was no excise, or any constraint at that time.

The Mahometans conquered India about 800 A.D. : many aliens settled in India : some Hindu were converted by force, or fraud, or for desire of gain : thousands of wild Non-Aryan tribes have accepted a veneer of Mahometanism, but are pagan still. Even the converted Hindu retain the caste-names, and the Hindu law with regard to marriage and succession. We have fortunately full accounts of the way of living of the emperors and nobles, but scant notice of the ways of the lower class. History is generally silent about them.

Here is a contemporary's peep into the life of Mahmúd of Ghazni, the first invader of India :

The Amir said to Abd-u Razzak : ' Shall we drink a little wine ? ' Accordingly much wine was brought into the garden, and fifty goblets placed in the middle of a small tent. The Amir said, ' Let us drink fair measures, and fill the cups evenly, in order that there may be no unfairness.' They began to get jolly. Bu-i Hasan drank five goblets : his head was affected at the sixth : he lost his senses at the seventh, and began to vomit at the eighth, when the servants carried him off. Bu-ala, the physician, drooped his head at the fifth cup, and was carried off. Khalil Daud drank ten : Suja Biruz nine : and both were borne away. Bu Nain drank twelve and ran off : when he Khwaja had drunk twelve cups, he made his obeisance and said to the Amir, ' If you give your slave any more, he will lose his respect to your Majesty, as well as his own wits.' The Amir laughed, and went on drinking. He drank twenty seven goblets : he then arose and called for a basin of water and his praying-carpet, washed his face, and recited *the midday prayers as well as the afternoon ones*, and he so acquitted himself that you would not have said that he had drunk a single cup : he then returned to the palace on an elephant. I witnessed the whole scene with my eye.—*Tharikh-i Subuktegin*, Elliot's "Historians of India," vol. ii. p. 145

Sultan Muizzu d-dunya plunged at once into dissipation : his companions all joined him : the example spread, and all ranks, high and low, learned and unlearned, acquired a taste for wine drinking. Night and day the Sultan gave himself up entirely to dissipation and enjoyment. One of the nobles said : ' Suppose you kill the drunken insensate king by some villainous contrivance.'—Elliot's "Historians," vol. iii. pp. 126 129

Sultan Ala-ud-din prohibited wine-drinking and wine selling, and also the use of beer and drugs. Jars and casks of wine were brought up from the royal cellars, and emptied into the streets in such quantities, that mud and mire was formed. The dissolute

used to make and distil wine clandestinely, and drink at a great price : they put it into leather bags and conveyed it in hay and firewood. By hundreds of devices it was brought into the city : when seized the wine was given to the elephants to drink : the sellers were flogged and sent to prison, but the numbers increased so, that holes for their incarceration were dug outside the gate : the severity of this confinement caused many to die : those who could not give up the habit, went out to the fords of the river and procured liquor ; the horror of confinement deterred others. Desperate men still drank, and even sold liquor : seeing this difficulty, the Sultan ordered, that, if the liquor was distilled in private houses, and consumed in secret, and no parties were found drunk, it might go on.

Babar, the great conqueror of India, the founder of the Moghul dynasty, was a constant and jovial toper : many a drunken party is recorded in his memoirs : even in the middle of a campaign there is no interruption of his excessive jollity. *Ex. gr.*

We continued at this place drinking till the sun was on the decline : those who had been of the party were completely drunk. Saiyad Khan was so drunk, that two of his servants were obliged to put him on horseback, and brought him to the camp with difficulty. Dost Mahommed Bakur was so far gone, that they could not get him on horseback : they poured a quantity of water over him, but to no purpose. A body of the Afghans (the enemy) appeared in sight, and they threw him on a horse, and brought him off.

On some occasions they contrived to be drunk four times in twenty-four hours : they began to drink and kept up the party *until evening prayers* (they were strict Mahometans).

Babar writes himself : "I now want something less than one year of forty years, and I drink wine most copiously." In 1527 A.D., he began a course of rigorous reform, and there is something picturesque in the very solemn and remarkable account of this great revolution in his habits : however his indulgence had shortened his days. He was a truly great man, in spite of all his weaknesses, and shewed his greatness in his manly struggle against his habits of intemperance : "*Hostium victor et sui.*"

I had collected the above quotations before I started on my late expedition to Morocco : on my return I find upon my table additional evidence of the gross intemperance of the Mahometans in India, collected for a totally different purpose in the columns of the *Church Missionary Intelligencer* of December 1887, p. 727. This is the Society to whose service I have devoted myself for many years, and by an odd chance the father of Archdeacon Farrar was of this Society an honoured Missionary, and his Maráthí hymns are still sung in the Native Churches of Western India. The statements which I quote

were made by a writer, who knew what he was about, having been many years a Chaplain in India, and they were made in reply to one of the greatest paradoxes of modern time; an attempt on the part of a beneficed Clergyman of the Church of England to prove, that Mahometanism to certain races was a more suitable religion than Christianity, and that Mahometans were total abstainers.

On this supposed abolition of drunkenness, a much bewildered correspondent of the *Guardian* (October 19th) recalls the memory of Selim the Sot, the temporal and spiritual head of Islam, and that drink cut short the splendid career of Amurath IV. We read in *Mountstuart Elphinstone* (vol. ii. p. 49) that Alá-ud-din's constitution had yielded to a long course of intemperance. When he was beset with conspiracies, his counsellors traced his troubles to convivial meetings where men opened their thoughts to each other. The Emperor Baber tried to persuade a friend to leave off wine, but he admitted that drinking was a very pleasant thing with old friends and companions. Elphinstone remarks, that it would have been fortunate if Baber had left off drinking wine sooner, for there seems good reason to think his indulgence in it tended to shorten his days. Many a drinking party is recorded in his memoirs. Akbar's third son, Dánial, when debarred by his father's order from wine, had liquor conveyed to him in the barrel of a fowling-piece, and thus, having free access to indulgence, brought his life to a close in the thirtieth year of his age. Akbar himself, in his youth, indulged in wine and good living. Sir Thomas Roe tell us, that Jehangir never left off drinking till he fell asleep, scarcely one of the party remaining sober. In his drunkenness he talked with great liberality of all religions; then he fell to weeping and to various passions which kept them till midnight. It was when he was recovering from a fit of drunkenness that he was seized and deposed. Shah Shuja, the son of Shah Jehan, was given up to wine and pleasure: he was a mere drunkard. His brother, Morad, was seized when in a helpless state of intoxication, and imprisoned and murdered by Aurangzib. It would be easy to extend this bead roll of Mahometan monarchs, who have been amongst the most conspicuous drunkards of their times.

And another writer tell us:—

So far as abstinence from strong drink is concerned, Moslems do shew how much may be accomplished by repressive measures, and we may take a lesson from them; but with regard to inebriating drugs their example is quite the other way, and of the two their vice is the worse. The tendency of intoxication through drink is to delirium tremens, which is a suicidal mania; but the tendency of inebriation through bhang is to a homicidal mania. The delirious Mohammedan "runs a muck"; armed with daggers and other life-destroying weapons, he runs through town or country stabbing, maiming, and killing every man, woman, or child whom he meets. I well remember the suffering and terror that were caused on one occasion, when four such maniacs "ran a muck" in one day, with such violence, that the authorities turned out a company of soldiers and shot them down. It was summary vengeance, but the only way of saving innocent lives. I do not

think that such cases are now as frequent in India and Ceylon as they were forty years since, and I think that the indirect influence of Christianity has caused the decrease.

Nor is it peculiar to India : the Odes of the celebrated Poet Hafiz tell us how "his spiritual guide went from the mosque to the wine-shop," and he makes an appeal to the cup-bearer to "pass on good wine, for he would not find in Paradise such charms as the world bestowed." I quote from the Missionary periodical of the Universities Mission in Central Africa :

"Islam," says Canon Taylor, "has abolished drunkenness." Has it? Night after night we took up dozens, I may say, of drunkards in the streets of Zanzibar. Many high-class natives were drunkards on the sly ; and, when a Moslem does drink, he will pawn his last rag for liquor, or, as was frequently the case with the men we apprehended, would commit robbery solely for the purpose of gratifying their love of liquor ; but enough may have been said if not to convince Canon Taylor, yet to convince others. He has not perhaps travelled in Mahometan countries. If he has not, he may never have seen drunken Mahometans, but we have. The Teedec, a most fanatical people in North Africa, are conspicuous for drunkenness.

There is a famous story in Mahometan books, how a Cazi, whose duty it was to punish drinkers, privately indulged in drink at night, and was in the early morning caught in the act by his sovereign, who was about to decapitate him when he begged that the shutters of the windows open to the East might be opened, and he be informed from which quarter of the horizon the sun was rising. When told that it was from the East, he quoted from the Koran, "so long as the sun rises from the East, so long will God have mercy on His children." He then knelt down submissive to his fate : he had learnt something from the Koran better than temperance, *viz.*, faith and submission to the divine decree. This is Islam.

In the time of the Emperor Baber, a new sect of the Hindu religion came into existence, founded by Baba Nanak, and became so influential, that their tenets are often talked of as a separate religion : it was an upheaval of the lower classes, and a war against caste. All fanatics and lawgivers must forbid something. Moses and Mahomet forbade pork : the Popes of Rome forbade a large and influential portion of the community, male and female, to marry : the Total Abstinence Society forbids liquor : Baba Nanak forbade tobacco. Smoking is a nasty habit, but it scarcely amounts to a sin. The day will come, when an Anti-Smoking Society will arise : all such prohibitions are limitations of Christian liberty, and I protest against Total Abstinence being made anything more than a very proper moral inculcation to youth. Baba Nanak forbade tobacco : the Sikhs took it out in another quarter :

Naturam expellas furcâ, tamen usque recurret :

they became terrible consumers of opium, decoction of poppy-heads, and spiritious liquors generally. I lived many happy years in their midst. I was present at the taking of Lahore and the conquest of the country, and we found liquor shops in abundance, and decoction of poppy-heads, called *Post*, set out in brass cups for free sale like ginger beer in London, and as I was placed in charge of one of the newly-conquered districts, one of my first duties was to regulate the number of shops for sale of liquors, take the sale of opium entirely into the control of the State, and impose a heavy tax on intoxicating liquors. The Sikhs are a magnificent race in stature, living long lives, and having large families, and yet they habitually took their daily opium pill, and lay like logs on the ground until the narcotic had worked itself off.

In the History of the Panjáb, published in two volumes by Messrs. Allen in 1846, I find it noted, that the famous Maharaja Ranjit Singh, the putative father of the well-known Dulip Singh, was unreserved in all his habits, and his diet consisted of high stimulants, of which he partook sparingly. At his interview with Lord Auckland, the Governor-General, in 1838, Ranjit Singh desired that His Lordship should take part in the drinking, and drain the cup of fiery liquid to the dregs. This excess produced upon the Maharaja such a severe fit of apoplexy, that Lord Auckland took leave of him lying on his couch, scarcely able to articulate. His wine was extracted from raisins, a quantity of pearls being ground to powder and mixed with it: it was made for Ranjit Singh alone: he sometimes gave a few bottles to his Chiefs. It was as strong as brandy: the only food allowed at his drinking feasts was fat quails, stuffed with sage, and this abominable liquid fire. His sensual indulgences were the vices of his country.

His grandson, Maharaja Nau Nihal Singh, in his moral habits was an example to the corrupt Court, being sober, and comparatively temperate amidst the debauchery round him. He was killed at the age of twenty-two. Maharaja Sher Singh, son of Ranjit Singh, was a good-natured sensualist, and solaced himself with an unrestrained indulgence in every species of intemperance. He was killed and was succeeded by a supposititious child, named Dulip Singh, so well known in England: the officers of the army proceeded to the palace and remonstrated against the brother of the Maharaja's mother continuing as Chief Minister, reproaching him to his face with drunkenness. He was so drunk, that he could not hold a Durbar, and the mother of Maharaja Dulip Singh, besides her unbridled profligacy with her paramour, indulged in similar excesses, and in August 1845, her faculties became seriously impaired by these indulgences: she used to sink into a state of stupor from

which she could only be raised by the stimulus of strong drink. On one occasion a letter from the Governor-General awaited a reply, but none could be sent because the mother and uncle of the Maharaja Dulip Singh, *and the boy himself*, aged 6, were all drunk: on the following day there was no Durbar, because the Wazir, and the Members of the Council were intoxicated.

It is not pleasant to me thus to expose the weaknesses of any class of Her Majesty's subjects, whether in Westminster or Lahore; but since it has been distinctly laid down by Archdeacon Farrar at a public meeting, that the British Government found India sober, it is necessary, distinctly, and by quotations, to show that that statement is not exact. I could have added indefinitely to the number of quotations: there is scarcely a battle which we have fought in India, in which it is not recorded that the soldiers of the enemy were encouraged to the fight by copious libations of arrack. It is an unquestionable fact, that a large number of the classes, of which the Indian population is composed, habitually drink; that weddings are always accompanied by additional supplies of wine, specially got in for the purpose, as indeed was the marriage of Cana in Galilee, and a modern wedding in any part of Europe: that there is a special caste, called the Kulál, or wine-seller, and that it might as well be said, that the British introduced the use of gunpowder and calico garments, as of liquor and drugs.

I now proceed to the second part of the thesis:

"And we left India drunken."

Nature has supplied the people of India with an abundance and variety of intoxicating liquors and stupefying drugs, beyond the lot of any other nation. There is indeed a lack of grape wine, and the brewing of European beer has only been introduced for the benefit of the European community; but sugar to make rum, hemp to produce Charas and Bhang, rice to produce Arrack, the palm tree to produce Tari or toddy, the or Mohwa, *Bassia latifolia*, to produce the celebrated liquor, the poppy to produce the opium, and the poppy-decoction, called *Post* in the North of India, and *Kusumbha* in the South, the cereals ready for the preparation of gin in any form; all these deadly ingredients, and many others, grow spontaneously with the smallest amount of culture: the process of brewing or distilling is of the simplest character: the price is ridiculously low, and the wild characters of a great part of the country is all in favour of the smuggler and illicit distiller, or the still in the privacy of the secluded house. In the memory of man the British troops used to be employed in Ireland to hunt for illicit stills in the mountainous tracts, and the smuggler on the coast of Great Britain has only been got rid of by an

entire change of the financial system. The problem presented to the Government of India was one of the most complicated and difficult. But it was clearly the duty of the Government, and the Government did not shrink from the discharge of that duty, at a time when its power was not so overwhelming and undisputed as it is now.

In the *Ayín Akbari* there is a list of taxes remitted by Akbar, among them is a tax on spirituous liquors, but it appears that it was reimposed, for it appears in later fiscal statements. In the Province of Bengal in 1722, under the Nawabs, this tax existed, and we found it when we assumed the Government in 1763 A.D., but it was exceedingly light and in 1785 a bottle of spirituous liquor could be purchased for one pice, about a half-penny, sufficient in amount to make a man drunk. Complaints were then rife of the spread of drunkenness among the lower classes, and just one century ago, 1789, the matter was taken up by Mr. John Shore, afterwards Lord Teignmouth, and President of the British and Foreign Bible Society, one of the most high-minded, pious, and benevolent of men, and the ablest of Indian statesmen. Lord Cornwallis was then Governor-General, and in 1790, by his orders a notification was issued, that no person should hereafter make or vend spirituous liquors, except on the part of Government, and the collectors of land revenue were charged with the duty of carrying out details. The grounds which led to this decision were *moral*, and one of the conditions of each licence was, that the holder should prevent drunkenness, and not receive any goods in barter for liquor, and close his shop at 9 P. M. Regulations were enacted in 1793 and 1800, and in the preamble it is stated, that one of the reasons for passing the rules was the *inordinate use of liquors and drugs*, which had become prevalent owing to the very inconsiderable price at which they were sold previous to 1790 A.D. In 1802 the great Governor-General, the Marquess of Wellesley, circulated Interrogatories regarding the operation of the system, and inquired whether the tax had rendered the vice of drunkenness more prevalent. The Court of Appeal at Morshebad replied in the negative, adding, however, *that it had not decreased*, but that it was not general, and the labouring poor never touched liquor : other authorities replied in different strains, that the regulations had been beneficial, and suggested still more stringent repressive measures.

Dr. Buchanan published a remarkable book,—the account of his survey of certain districts in 1807 and 1814. He remarks that the use of liquor was very common, but that actual drunkenness was less prevalent : he mentions that in one district the Mahometans were in the habit of drinking : he mentions that women used spirituous liquor, and that on the frontier of the

Company's territory liquor was smuggled in from the Native States free from duty, and therefore sold cheaper. It will be gathered from the above, that the habit was anterior to, independent of, and in defiance of the regulations of the early British administrators, and it must be remembered, that since 1790 the population has doubled, the area of cultivation has been enormously extended, roads opened out, new products introduced, and the great Pax Britannica has made Bengal one of the most thickly populous, wealthy, and flourishing countries in the world. The great provinces of the North-West Provinces and the Panjáb naturally followed the Bengal system: the minor provinces of Assam, the Central Provinces and Burma followed in the same track, while Madras and Bombay developed their system in their own way, but on the same lines, following the same principles, having the same object in view,—not the enhancement of the revenue of the State by pandering to the base passions of the people, but by a steady system of repression and control, and an enhancement of the duty up to that point which would make smuggling with all its risks profitable.

I must here make a remark, that Archdeacon Farrar and the other speakers have forgotten one element in the discussion, an element, however, of the greatest importance; that is, the existence of the Covenanted Civil Service, with entire control over every part of the administrative machine in every part of British India, from the highest to the lowest. Every five years a statesman of the highest mark has been sent out as Governor-General, and since 1858 as Viceroy, and two eminent men are sent out as Governors of Madras and Bombay, and Military men as Commanders-in-Chief, and a lawyer for the Legislative Council of the Viceroy; but with these exceptions every post is held by a member of the Covenanted Civil Service, supplemented in some parts of the country by Military men, who for the time being become Civilians: the real power, and the entire knowledge of revenue subjects rests with them: and the Councillors, who sit by the side of the Viceroy, have risen up step by step in every grade of the Service, and known every detail: there is no room for half-knowledge with them; if there is a blot in the working of the Excise system, they know it: if the measures of Government lead to increased consumption of liquor either by express design, or by the unfortunate nature of the case, they know it. Now, one feature of this great Covenanted Service is its independence of character, sense of responsibility, and outspokenness: there have been civilians, who in times past have refused to obey the orders of Government to pay the Brahmans to pray for rain during a drought, have refused to administer the affairs of a heathen

temple, have asserted their right to attend the baptisms of native converts, and justified it in such a way, when called upon for explanation, that the Viceroy has admitted the right. By the practice of the Indian Administration a remonstrance against an order is permitted, and it is notorious, how difficult some men have proved themselves to be, till at last it has come to the alternative of obeying or resigning; but I do assert, that, if the Viceroy or Council had ordered, as suggested by Mr. Samuel Smith, that to make up a deficiency in the Budget, encouragement should be given to the sale of liquors and drugs, *he could not have been obeyed: such an order never has been and never could be issued.* I have myself filled the post of Collector of a District, Commissioner of a Division, and Provincial Head of the Revenue Department, both in the North-West Province, and the Panjáb, and I unhesitatingly say that, had such an order reached me, I should have had the courage of my convictions, and *not have conveyed it to my subordinates*, but should have recorded such a protest as would have compelled its rescission. I learnt my earliest lesson from James Thomason, the pupil of Simeon, and matured my knowledge under John Lawrence, and I served under men of the type of Robert Montgomery and Donald Macleod. Does Mr. Samuel Smith when he makes such assertions, consider what kind of men have controlled the affairs of India since the beginning of this century, from the time of Lord Teignmouth the President of the Bible Society, down to Lord Lawrence and Sir Bartle Frere?

Nor has the management of the Excise been one unchangeable system, which no one dared to touch, like a Perpetual Settlement of the Land Revenue, or the Capitulations, by which the independence of Turkey is crippled. On the contrary, Governor after Governor has had his eye upon it, and the practice has varied from time to time, and province to province, between the central state-distillery at the head quarters, and a lease of a certain area to a responsible person, who could only open out stills at spots approved by the Collector. The first system has the obvious disadvantage, that it casts an odium upon the Collector, as being *de facto* the head distiller of his district. Many weak, and imperfectly informed critics in England, see in the opium monopoly an aggravation of the offence, in that the State becomes *de facto* the manufacturer of the drug. There is the obvious advantage, that by both the central liquor distillery and the opium monopoly, the State officials have efficient means of repression, and can control the working of the machine. The second system has the obvious disadvantage of imperfect control, and therefore loss of excise, and promotion of undue and illicit sale. In 1859 the Government of India, in its imperial capacity, pointed out that on *moral, as well*,

as *fiscal* grounds, the establishment of central state-distilleries was advisable. In 1883 a Commission was appointed for the Province of Bengal under the sanction of the Government of India to consider the whole subject : on the order constituting the Commission occur the following expressions : " it is impossible for Government to allow this increase of drinking " to continue, without making every effort to ascertain those " causes, and if possible, remove them. No considerations of " Revenue can be allowed to outweigh the paramount duty " of Government to prevent the spread of intemperance, so " far as it may be possible to do so." These words were penned by a Governor who knew what he was about, at a date antecedent to Canon Ellison's pamphlet of 1886, and Archdeacon Farrar's famous thesis of 1887. The result was a Report dated April 1884, in which the system adopted in the whole of British India is reviewed, and certain recommendations are made for Bengal. The Report was published at Calcutta in 1884 in two large folio volumes, and I recommend it as profitable reading to those, who desire to be something more than platform orators, and wish to take a serious and solemn study of the difficulty of administering the affairs of a great subject nation, uniting the maximum of wise and gentle control, with the minimum of vexatious interferences with their family customs, their weddings, and their gatherings, their feastings, and their weaknesses. Let us try the high moral problem of Total Abstinence by Act of Parliament, or Local Option, first in the borough of Westminster under the shadow of the Abbey, before we introduce it in Bengal : let us teach the Christian to be sober, and then press the subject on the Hindu and Mahometan. We at least in our religion have the highest motives, and the power of the Holy Spirit to help us in our endeavours : the Non-Christian world has nothing but the prospect of earthly advantage, and the unaided energy of poor humanity

I now come to the Despatch of the Government of British India, signed August 4, 1887, presented to Parliament, August 9 1887, and printed : it is signed by the Earl of Dufferin, the Viceroy, Sir Frederick Roberts, the Commander-in-Chief, and five members of Council, one of whom is an English barrister : it contains reports from the eight provinces into which British India is divided : it is a document of the greatest importance, and based on the latest information, being up to date. If we do not place faith in this, it is as much as to say " All Anglo-Indians are liars " : on this matter I have spoken to one Viceroy, several ex-Governors, and ex-Councillors, and a large body of Anglo-Indians who have retired, and there is but one opinion on the subject. Some of the most earnest members of the

Temperance Society admit in 1887 the sufficiency of this reply to the pamphlet issued by the Temperance Society in 1886.

Lord Dufferin summarizes the allegations of that pamphlet as follows :—

A. The Excise Revenue of India is due to a system, which directly leads to the establishment of liquor-shops, where, till recently, such things were unknown.

B. The fiscal system of India, by affording facilities for drinking *in defiance of native opinion*, is unhappily spreading misery and ruin among many families of the industrial class.

C. The use of intoxicating drinks, which they believe to have been practically unknown in the greater part of India, was introduced under British Rule.

The reply is :—

A. The principle laid down and accepted by all is, that liquor should be taxed, and consumption restricted as far as it is possible to do so, without imposing positive hardship on the people, and driving them to illicit manufactures.

B. The measures taken have been completely successful : the great increase of the excise in recent years really represents much less liquor sold, and an infinitely better regulated consumption than the smaller revenue of former years.

C. It is an error to suppose, that the population of India were universally abstemious, and if left alone, knew nothing of intoxicating liquor, and have been introduced to it by the British Government. Both the Hindu and Mahometan religions indeed denounce the use of spirits, but the classes whose habits of life are framed with a strict regard to religion and social restrictions, form in India no larger portion of the population than in other countries.

D. Nature produces in great abundance the material for distillation of spirit, and there is not the slightest reason for supposing, that in the days of Native administration the Indian population refrained from indulgence in a practice, which it requires the constant watchfulness of the British administration to restrain.

E. The Reports from the Central Provinces and Assam show that it is those tribes and races, which are least accessible to the influence of British rule, which are most addicted to intoxicating liquors and drugs.

F. Our excise system breaks down on the frontiers of Native States, which are often exceedingly irregular, the villages being intermixed, and not separated by a river or chain of mountains : in those States there is no restriction on the manufacture and sale, and the great difficulty is to exclude untaxed or lightly taxed liquor. In the Bombay Province the excise rights of Native States have been bought up in

some cases, in order that, by imposing on the population of Native States the same restriction, they may maintain, or rather not violate and render nugatory, our restrictive system.

G. The great increase in the revenue, which is unquestionable, does not mark the extension of drinking habits, but is the result of a great and general increase of the rate of tax, which it would have been entirely impossible to realise but for the great improvement in the preventive measures. The ability of the Excise Department to prevent illicit distillation is the only limit which is imposed in practice to increase in the rate of taxation.

H. The object of the Excise Department is to tax every gallon of spirits, first by a fixed still-head duty, which is regulated at the discretion of the Government, and secondly by a licence fee for retail sale, which is usually determined by competition for the privilege of sale. The system of out-stills is obsolete, except in scantily inhabited tracts and the borders of Native States, where the Collector has no alternative betwixt letting liquor be distilled untaxed, or make this kind of arrangement.

I doubt whether many persons in England know what an out-still is. I can only lay before them an analogy from Great Britain. Supposing that the State were to undertake the manufacture of beer and spirits in great central places, and to license public houses for the sale of the State monopoly liquors, there would be still wild corners in England, Ireland and Scotland, where the facility of smuggling would be such, that the only possible check would be the establishment of private distilleries under all possible safeguards in such places. It would be a measure of control and restriction, not of expansion. Moreover, the out-still in India (as in the above analogy in Great Britain the private distillery) is not allowed to manufacture as much liquor as its owner likes, and to sell it wherever he likes. The duty is levied upon a strict calculation of the number of gallons which the still can produce, and the conditions both of distillation and sale are carefully regulated with reference to the *existing* (not the prospective or possible) demand. Shops are established in the localities chosen by the Collector, and not at the discretion of the distiller, and the Police and the Municipal authorities are consulted on the subject. I am in the habit of assisting annually in the grant of licences in Westminster and Kensington to publicans, and I doubt, whether so much power of control, and restraint of undue opportunities for sale of liquor exists in London as in Lahore and Allahabad.

The average consumption in India is only one bottle, or one bottle and a half of spirits a year for each adult male,

and in some provinces less than that; it is clear that the terms "drunkenness," "drinking classes," and "spread of drinking" bear a meaning wholly different in India and England. Could we but reduce the consumption of London to that standard, how glad would be the hearts of the Temperance Societies!

The vast increase of the population of British India is one of the great administrative problems of the age. The sword, the famine, and the pestilence have been the usual depletors of oriental countries: the first has ceased absolutely: the last two are guarded against in every way that science and benevolence can suggest, and can it enter into the minds of good men to suppose, that a Government which spends millions to stay a famine, the results of operations beyond its control, would insidiously and deliberately, for a smaller amount of revenue, poison the bodies and souls of its subjects. Archdeacon Farrar may some day have grandchildren in the Civil Service of the Empress of India; can he contemplate calmly, that they would be enrolled in a body of men, who in his opinion are so infamous as Mr. Samuel Smith describes them? I quote his very words:

The wants of the Exchequer in that country are so urgent, and it is so easy to bring in Revenue from the increased sale of drink, that the temptation is irresistible to go on licensing more drink shops. Native opinion is utterly opposed to it. The leading castes of the Hindu and all the Mahometans are by custom and religion total abstainers, but many of them have been corrupted by our influence and example, and not a few of the princes and leading natives of India have drunk themselves to death.

Another class of imperfectly informed critics run wild on the idea that the famines of India are caused by the large area given over to the production of drugs and liquor and on which cereals could be grown: are they aware that owing to the enormous additional area of cultivation during the great Pax Britannica, the price of cereals has fallen to such an extent, that wheat can be exported from Central or Northern India with profit to Great Britain to compete with the cereals of the Black Sea and America?

The problem is a much more difficult one than imperfectly informed critics at home think: if it is supposed, that a mere order of an alien Government to a vast native population can change their moral habits, it is a mere dream. We can put down the burning of widows, or the burying alive of lepers, because such isolated facts become notorious; but we wage an unequal war against the practice of daughter-killing, as the Police cannot prepare lists of pregnant women, and assist at every birth in the recesses of the native house. We could not suppress the use of private stills, when nature

has been so prolific in her gifts of inebriating materials; the only way is to regulate the manufacture, tax the produce, and license the distributors, and I do conscientiously maintain, that for the last century the intelligence of three generations of honest and upright men has been taxed to effect this. "The Native army is proverbially sober. I wish that I could say the same of the British soldier; and yet one of Mr. Caine's most bitter sarcasms is, that the "Indian Government will not allow liquor to be sold to European soldiers, but it may be sold to a child thirteen years of age." Does Mr. Caine reflect, that it costs many hundred pounds to deliver each of our brave soldiers at their cantonments in the Panjáb, that it has cost many thousand pounds to house him, and keep him comfortable, well, happy, and ready: and yet Tommy Atkins is more thoughtless of his own life and his own precious soul than any Native child aged thirteen, who probably at that age, if a female, would be a wife and a mother, and care very little for strong drink, or have any chance of getting it. On the borders of our large cantonments hover scoundrels with jars of illicit drink and immodest women, to tempt the soldier to disobey the orders of his Captain, and the Great Captain of his Salvation: and is the Government to be sneered at, because it provides for its brave but thoughtless soldiers a protection, which is not needed for the gamin of the streets, who has neither a pice in his pocket, nor a pocket to put it in, if he had it? It is lamentable to hear such statements cheered by a fanatical audience. Do they wish our soldiers to be exposed to temptations from which we can protect them partially? Can Mr. Caine's fertile imagination suggest any Police organization, by which a juvenile population exceeding thirty million can be protected from a danger to which they are not exposed? For among all the exaggerated statements it is not alleged that children of tender years have taken to drunkenness. Dulip Singh was indeed drunk at six years old, but he was an independent Sovereign. Nor do we read in the Police returns of India of any number of men and women brought up for being drunk in the streets as in London? Are the Lunatic Asylums crowded with the insane, of whom twenty per cent. brought on their malady by drink, as in Middlesex? Are the Indian Bankruptcy Courts, or the Indian Registrars' Annals stained with the words, so frequent in Great Britain, "Drunk himself, or herself, to death." But that the subject is so awfully serious, it would seem to be an indecorous pleasantry on the part of the Prince's Hall orators, to put forward charges so ridiculous and so unfounded, and thus draw a false scent across the path of the earnest Missionary Societies, who were planning to protect Africa from

European liquors. From the day of Archdeacon Farrar and Mr. Samuel Smith's ill-omened speeches, that Committee, in which British, German, and American Missionaries were united in a truthful and holy work, has been suspended, as it was impossible to carry on operations with those, who neither weighed their words, nor tested their facts.

I now proceed to quote from the Reports of each of the eight Provinces of British India. Bombay is first on the list :—

In consequence of the relaxation of religious and caste rule, it is probable that intoxicating liquor is now often used in secret by classes who formerly abstained. Habitual drunkenness in the English sense of the word is rare.

A strike took place in the Districts of Thana and Kolaba. It was quoted in the House of Commons as a movement among the population in favour of total abstinence from strong drink. As a matter of fact, it was a strike of the drinking classes, made with the sole object of inducing the Government to reduce the tax on the Tari-Palm, and thus make liquor cheaper. The strikers were not able to *maintain their resolutions of abstinence.*

As far back as 1838, the Government of Bombay issued the following order :—

It cannot be too strongly urged upon the Collectors, that the object, which the Government has in view, is to restrict and, if possible, correct and diminish the total actual consumption of spirituous liquors, whether clandestine or licensed, being fully persuaded that any amount of Revenue that may be lost by the efficiency of the system for this end will be repaid a hundredfold in the preservation and advancement of moral feeling and industrious habits among the people.

In 1843, we find the following Resolution of the Government of Bombay :

The Governor in Council entirely concurs in the views expressed by the Collector on the subject of the Revenue derived from the sale of spirituous liquors. Were it possible altogether to abolish the use of spirits, the loss to the Revenue would be a matter of trifling consideration, but this is obviously impossible, and the object of Government must be, by enhancing the price and imposing salutary restrictions on the sale, to check the evil as far as is in its power, while at the same time it draws a Revenue from the use of a luxury which it cannot prohibit. The regulation of this branch cannot be effected but by the agency of farmers, and the farmers should be carefully selected, not from those who may bid the highest, and thus be induced to resort to every possible means of increasing the consumption, but from those who, though they may offer less for the farms, bear good characters and will content themselves with a fair profit without adopting undue methods of attracting customers to their shops. New shops should not be established without express permission, and then only in places where clandestine sale may be carried on, which open and authorized sale will tend to check. The Collector should bear these remarks in mind in all his arrangements relative to the Excise.

In 1884, the Government of Bombay recorded the following resolution :—

Government would willingly relinquish all Revenue from this source, could it thereby abate the increasing vice of drunkenness : this, however, being impracticable, the next object of Government is to check it by enhancing the price of intoxicating liquors.

In the Report of the Customs Administration of 1884-85 we come face to face with the real "bête noire," the import of potable spirits by sea through the agency of European and American merchants. Under the principles of Free Trade such wares cannot be excluded: the total import amounted at this one port to 210 119 proof gallons; 53 per cent. of Brandy, 32 per cent. of whisky, 6 per cent. of Old Tom, and 9 per cent. of Rum: the Brandy was both in wood and bottles. No licensee of native liquor is allowed to sell foreign liquor, and *vice versa*. The licensee of foreign liquors, finding that the superior and expensive spirit was too expensive for the natives of the lower classes who frequent their shops, had to seek for a foreign liquor, which might prove as attractive, while cheaper than spirit. They tried spirits of wine, which though of country manufacture, was allowed to be sold with foreign liquors, the duty being the same: it was found that its strength could not be reduced sufficiently to lower its price to the extent necessary, and at the same time satisfy the consumer. Rum was therefore tried and has been found to suit the tastes and pockets of the consumer. The whole is imported from Mauritius, a British colony, but the strength is reduced. Here is indeed a frightful evil, which has lately come into existence; but it is difficult to blame the Government of India: the sin lies at the door of the British merchant and manufacturer, and it is a grievous sin.

Let us see what the Government of Madras says:—

The sale of intoxicating liquors is just as much a trade as that of any other kind of commodity, but there is this great difference, that while the sale of a necessary of life, like bread, need not be interfered with or regulated in any way, the sale of intoxicating liquors, if left to the unfettered operation of free trade, involves an enormous amount of drunkenness and crime, and therefore calls for regulation at the hands of any Government with any pretence to civilization. The policy which the Government has announced, of endeavouring to realise the *maximum* Revenue from a *minimum* consumption, though perhaps involving, in its strict interpretation, a verbal contradiction in terms, yet expresses with sufficient force and clearness what we consider the right course to pursue. It is, however, to be observed that while all taxation becomes Revenue, as soon as it reaches the public exchequer, yet it should always be borne in mind in connection with the taxation derived from the sale of intoxicating liquors, that it is imposed primarily in order to restrain the consumption of such liquors, and not for the purpose of making money out of their sale, and that the fact of the Revenue so derived being large, is merely an incident arising from two causes: (1) The determination of the Government to do all that lies in its power to repress a baneful trade in what is not a necessary of life; (2) The general prosperity of the people, which enables them to spend on the indulgence of a vicious propensity, money which might be better expended or invested. It follows that every right-feeling Government will do all that it can to increase the taxation up to that point, when the people rather than pay for the high price liquor, which alone can be had in licensed shops, will take to illicit smuggling and distillation.

Such to the best of my belief have ever been the principles

of the Government of India. Such they were when I learned my first lesson forty years ago, and it is so still.

The great Province of Bengal with its sixty-six million inhabitants, twenty of whom are Mahometan, comes next. A Commission had been appointed to go into the subject in 1883, and on the 10th of March the orders of Government were issued.

A. The introduction, whenever opportunities of supervision existed, of the Central Distillery and Still-head Duty. B. The regulation in other places of the out-stills, so that the minimum license price should be the amount of duty calculated upon the capacity of production. C. Reduction in the number of shops, and certain restrictions on sales. In the year 1885-86 the net revenue from liquor and drugs of all kinds amounted to £927,000,—less than a million. In the same year Great Britain levied from a population of Christians of less than half the amount a very much larger sum.

The printed Report of this Commission gives us some side lights on this state of affairs. In 1874 the Government was petitioned on the subject of the increase of drinking, more particularly of the upper class, by Christians and Hindus, and Babu Keshab Chandra Sen, the celebrated leader of the Brahmoists. The minute which was recorded by a Member of the Board of Revenue upon that petition, contains much that is worthy of remark:—

He agrees with the petitioners, that drinking has increased, especially in towns and among the higher class, but he disputes the assertion, that the action of Government can arrest it, he denies that Government has ever wilfully preferred considerations of Revenue to the welfare of the people, but admits administrative failure, and mistaken zeal of native officials. There is no manner of doubt, that intemperance among the higher classes radiates from Calcutta, as from a central focus, the habit is most prevalent in districts nearest to the Metropolis, and the opinion is prevalent *that intemperance naturally follows an English education*. The restraint of Caste Rules, and dictates of the Hindu and Mahometan Religious books, lose their hold on the conscience of those who come under Education, and the sad result must be debited to the School Master rather than the Excise Officer. A medical man records his opinion, that the demoralizing habit of private drinking is indulged by nearly nine-tenths of the Bengali students. A vendor of brandy remarked that native gentlemen, who can speak English, acquire a taste for brandy with the language. The quantity of intoxicating liquor drunk on holidays is incredible. Patients describe to their Doctor their powers of drinking. A Mahometan member of the writer caste stated that he had finished a bottle of brandy, and three bottles of beer, at an evening sitting. A Hindu member of the writer caste stated that he had swallowed a bottle of brandy almost at a draught.

It is distinctly recorded, that the upper classes do not resort to the shops licensed by the Excise, nor do they consume Native spirit: but they drink in the privacy of their homes liquor imported from Europe: against this evil the Government is impotent: the duty cannot be raised high enough on imported spirits so as to be prohibitory without raising an outcry on the part of the European residents all over British India, who, with very rare exceptions, are exceedingly temperate as a class, and yet would not submit to be debarred

from the use of liquor to which they are accustomed. It is added that the Native spirit of Bengal is a weak spirit: drunkenness is exceptional: and there is no necessary connexion betwixt drunkenness and crime. Dacoits, or hereditary robbers, usually drink, but moderately, and in the course of worship to their patron Deity; the most celebrated Dacoit, whom the Head of the Police ever knew, was a total abstainer: on the other hand, common burglars, and petty thieves, were in a constant state of half-stupefaction from drugs. It is mere foolishness to expect that a certain proportion of the population will not contrive to use stimulants, or that the Excise Revenue will not increase. As the upper classes adopt more and more European habits, we must expect to see them take the bad with the good, and probably more of the bad than the good: all that the Government can do is to supply the demand, *but not create it*, and to act on an honest recognition of the truth, that the Excise Revenue is a very small matter in comparison with the comfort and well-being of the people.

I treat the two great provinces of the North-West Provinces and the Panjáb together. A friend drew my attention to a passage in the *Pall Mall Gazette*, dated March 30th, 1887, with a view of consoling my spirit and stopping my mouth:—

It is not an indispensable part of our Imperial System. Proof is afforded by the fact, that the corrupt system of Excise has not been adopted in the North-West Provinces and the Panjáb, and the temptation to increase the Revenue has not yet constrained the Local Government to sacrifice the morality of the people to the interests of the Exchequer.

These were my two provinces, in which I commenced and finished my service, having been chief Revenue Officer in both, and I maintain that the quotations made from the Records of the Governments of Bombay and Madras, of which provinces I know personally nothing, represent exactly the great principles upon which we have always acted in the two Northern provinces of India, which teem with sugar and hemp, and in one of which the Mohwa or *Bassia latifolia* drops its insidious leaves into the very courtyards of the houses: there less of rice and palm trees, and a very slight growth of poppy, but cereals to any amount.

A Mr. J. Gregson, a Temperance Missionary, whose statements with regard to events in Kolaba, in the Bombay Province, have been already shewn not to be entirely "exact" (to state the case mildly), tells a startling fact with regard to the Panjáb, "that there was one Raja in the Panjáb, who built and endowed Churches and Mission buildings, *and died of delirium tremens*: "the man," he adds, "was but an exaggerated type of what a Christianized Indian threatens to become." This is a frightful statement, and involves the character of Missionary Societies, as well as the Raja. I have had personal acquaintance with all the Rajas of the Panjáb, and their fathers and grandfathers, but the statement seems incredible. As copies of this paper will go out to India and the Panjáb, the name of this Church building and intoxicated Raja will transpire. In justice to the two provinces, the population of which is very dear to me, as I have visited

every district of this vast region, and lived for many years in personal contact with people of every class from the Raja down to the village watchman, I am glad to record the following facts. The population of the North-West Provinces exceeds twenty-two millions both Hindu and Mahometan, and their annual consumption averages *one pint for every adult male*. The population of the Panjáb amounts to nearly nineteen millions, both Hindu and Mahometan, and their annual consumption gives only a *quarter of a pint for every adult male*.

O Noctes cœnæque Deum !

This is a most beggarly allowance for races who supply nearly all our Sepâhis, and are as tall and strong as Englishmen: and no allowance is made for the possible, though improbable, consumption of liquors by one single woman, or those lads of thirteen years old, round whose tendencies Mr. Caine rails at the Government for having placed no protection, and it is within this vast region, that the bulk of the British army is cantoned, and their quota of drink must be allowed for in the average. Fortunately for these happy races the European trader with his liquid poison of Whisky, Rum, Brandy and Old Tom, has not as yet got a firm footing, but the march of civilization and English education will surely bring this evil, and corrupt the moderate habits of my dear Panjáb friends, who are content with an annual quarter of a pint of Native liquor. Oh! that I were back in their midst to tell them how that Henry and John Lawrence and Montgomery, Macleod, Herbert Edwardes and myself, were charged in England with having introduced (for we were the very first Europeans whom they saw), among them such vicious and intemperate habits—habits not alluded to in the Veda, the Ramayâna, and the Mahabhârata, and all their ancient books: habits never practised by Ranjit Singh and his courtiers, and the great Chiefs of the Khalsa: how the honest old citizens and grey beards would laugh to think that their old friends had led them so far down the abyss of intemperance and misery, as to drink an annual quarter of a pint of their nasty decoction of hemp, sugar, or poppy-juice, while at that period, old clergymen of the Church of England drank daily three glasses of port. Moreover, the Panjáb is a province thoroughly in hand, with every acre of land surveyed, and every man, woman and child counted in the Census, and has the inestimable advantage of being one thousand miles from the nearest seaport. But a Missionary of the Panjáb informs me that in Lahore, and some large towns, liquor-shops for European liquors have largely increased: so the deadly poison is spreading.

In addition to the five great provinces of British India, with their teeming populations and independent Constitutions, there are three smaller provinces, Assam, the Central Provinces, and Burma : they have been less influenced by British civilization : the population is chiefly Non-Arian, backward in culture, difficult of access. In Burma we find ourselves in entirely different environments : the people are Buddhists : in some of the remote valleys the practice of opium-smoking, so entirely unknown in India, prevails. Lower Burma has been under British control for many years : the kingdom of Burma is a new annexation : the whole state of affairs is abnormal, and there was clearly a few years ago a great neglect of the established principles of the Indian Government in the excise arrangements. There are no roads, and the means of communication are difficult : the population is sparse, and heavy jungles facilitate illicit stills. In the seaports, on the other hand, European strong drinks are easily to be obtained. On the whole, this province will be for years to come an anxious charge. In the Administration Report for 1885-86, it is noted that the excise revenue is declining ; that there are only seventeen shops in the whole of the province for the sale of opium ; and that increased smuggling was the result.

In the Central Provinces the Chief Commissioner reports, that he has always been careful not to countenance any measures calculated to create or foster a taste for spirits. I quote the following :—

As to the habits of the people in the matter of drinking, it is of course true that, in accordance with their religious sentiments, Hindus of certain of the higher castes and Mahometans do, as a body, abjure drink, but in these provinces these classes form but a small portion of the total population. We have here, in a country, much of which is wild and hilly and covered with long stretches of forest, a large aboriginal population, and in certain parts of the province, large numbers of persons of the lowest castes, who with their forefathers have always been accustomed to the use of liquor made from the flower of the Mohwa tree. This tree occurs abundantly all over the Central Provinces, and the process by which spirit is distilled from the Mohwa flower in the wilder parts of the country, is of the simplest character ; a couple of earthen pots and a piece of hollow bambu to form a tube constituting the distiller's apparatus. There is not a district in some portion of which spirit cannot, under these circumstances, be distilled illicitly without much fear of detection, and experience has proved most convincingly, that unless the inherited taste of these people for this stimulant is satisfied by the establishment within their reach of shops, where they can buy taxed spirit, they will resort to illicit distillation, and render themselves liable to the penalties of the Revenue law. It would be useless, even if it were expedient, to attempt to suppress consumption by refusing to license shops. Smuggling and its demoralising effects, prosecutions and criminal penalties would, under the conditions of these provinces, be the inevitable result. The wisest policy is to adopt such measures as will operate as a check on excessive drinking, and this is the policy which is followed here. It may be added that in the malarious tracts which abound in the Central Provinces, it is quite possible, that the moderate consumption of a weak spirit, such as that ordinarily consumed in these provinces, has its beneficial effects in protecting the people from

chills and fevers. But however that may be, there is the fact that the use of liquor in this part of the country has no connection with the advent of British rule, and that steps were first taken, upwards of 20 years ago, to restrict its consumption.

In Assam we read of the state of affairs as it was when the British occupied Assam, when almost every cultivator of land grew a patch of poppy in the cold weather, and as the use of the drug is acquired in its most fascinating form by smoking, the householder, as well as his women and children were confirmed opium consumers, as the drug was collected by wiping off the juice of the poppy-heads on rags, which, on being dried, were quite prepared for smoking.

The cultivation of the poppy was forbidden, and the only opium introduced into the valley came from the State monopoly, and was sold to men only at an enhanced price. In the meantime the people increased in number, and all the elements of comfort, and other forms of intoxicating liquors have come into fashion, quite independent of any European or British contact or influence. The following remarks of a District Officer of an independent tribe are worthy of notice :—

As regards the district of the Khasi and Jaintia Hills the remarks hardly apply, as outside of Shillong, Excise rules cannot properly be said to apply. On the broad question, my opinion is, that were there no Excise system in India, drunkenness would vastly increase with the increase of prosperity which this country enjoys. The Jaintia are, perhaps, the most drunken race in the province, if not in India, and they pay no Excise taxes. Several times respectable Jaintia have implored me and my predecessors to introduce the Excise system with the express view of lessening intemperance, but for various reasons this measure has not yet been adopted. Of course it would be idle to deny that the establishment of a shop at a place where one was not in existence before, tends to increase the drunkenness of that particular locality. But this, to my mind, only shows that the desire to drink is omnipresent, and that, if the demand now creates a supply in spite of the heavy taxes raised as Excise duty, and in spite of all the vexatious rules and checks regulating the traffic, in the absence of these taxes, rules and checks, for every one shop now in existence, there would be a score, if the Excise Department were abolished; unless, indeed, the manufacture of liquor was altogether prohibited throughout India. I should imagine that this is a measure which not even the Temperance Society would advocate; but if they would do so, I would oppose it on the grounds that it would be an intolerable interference with the liberty of the subject; that India cannot afford to lose any revenue at all just now; that the Excise tax is the least burdensome of all taxes, since no one need drink unless he likes; that all civilised nations drink, and apparently in exact proportion to the extent of their civilization and general progress (England taking the lead).

In the Administration Reports presented to Parliament annually by a succession of Governors, who have no connection with their predecessors but are often in antagonism to them, we find a faithful picture of the progress of each province, such as no nation in the world, past or present, has ever received from its subject Empires. If Cicero during his Proconsulate in Bithynia, or Pontius Pilate at Jerusalem, had sent to Rome such Reports, and they had survived to our times, many

obscure points would be cleared up. These Reports must be true, because they are exposed to the lynx eyes of readers who know the circumstances as well as the reporter. In the Reports of the Excise, we find how the amount fluctuates, because the particular year was not auspicious to Hindu marriages, and there were fewer marriages and less feasting. The presence of large gangs of labourers collected for great public works is a cause for the increase of the Excise quite intelligible. In Burma we read, that rum imported from Penang is driving out the locally distilled liquor. In Bengal it is noticed that foreign rums and cheap brandy are superseding rum of local manufacture. The consumption of opium seems to be decreasing everywhere: but the income of British India from the Excise is steadily increasing, and it is considered to be indicative of growing prosperity among the people.

I did not take up the pen to justify or even palliate the use of intoxicating liquors and stupefying drugs: on one occasion, years ago, during a discussion in a Missionary Committee on the subject of the opium question, I expressed my regret, that our Heavenly Father had in His wisdom created the poppy to be the cause of ruin to millions, and a root of bitterness among good men. I can only add my regret that the same All-wise Power had created sugar and hemp, and rice, and grain, and the palm tree, and the Mohwa tree, and allowed these poor ignorant races, from whom so much knowledge had been shut out, to discover, as the first of nature's discovered secrets, the mysterious trick of fermentation. In the cause of truth I protest against the view taken of the subject by the orators of Prince's Hall. I quote some words of Archdeacon Farrar:—

Hindu and Mahometans have listened to the voices of their Prophets, as the Rechabites, and been blessed thereby.

We have made money out of the misery of the Indian people, and grown rich out of their degradation.

If we were to give local self-government for twelve months to the ten millions of the North-West Provinces (the population amounts to twenty-two), we are assured (by whom?) that at the end of that period drunkenness would have disappeared, because Mahometans would be ashamed to defile their fingers with Rupees for the sale of "Shame-water," as it is called (by whom?), and that the Hindu would boycott with indignation any publican, who bore a licence to demoralize his fellow-subjects.

Instead of wells, we have plenty of grog-shops.

We derive from that source a perfect river of gold, flowing into our exchequer, but the river flows from the fountain of "Shame-water."

We can make nations drunken by Act of Parliament, and make them sober by Act of Parliament: why not try it in India? (or England).

Some of these points require special reply. What is "Shame-water"? It looks as if an imperfectly instructed linguist had confused the word "sharāb," which means "wine," and lives on the English word "sharbet," with the word

"sharam," which means "shame." I have heard liquors called by many bad names in Hindustani, and respectable people (perhaps secret drinkers) would make wry faces and signs of disgust, if the word "sharab" were used in their hearing; but I never heard the word "Shame-water" in general native parlance. It implies a knowledge of English as well as Hindustani which is rare among natives of Upper India. And does the Archdeacon really recommend such a breach of the peace as is implied in "boycotting"? Does he dare boycott a public house in Westminster? Why then propose to a Hindu to do an act in Upper India, which would most certainly lodge him in the gaol? Are the weak municipalities of India able to dispose of the liquor question in such a trenchant way, while the ancient municipalities of Great Britain have failed? It is difficult to get any meaning out of the blessing, which the Hindu and Mahometan are said to have got from their false Prophets. What blessing can come from the hideous idolatry of the Hindu, or the Christ-dishonouring tenets of Mahomet? How have we become rich out of the degradation of the people of India? Not a rupee of tribute comes to Great Britain from India. The balance of advantage of the union of the empires is enormously on the side of India, which has obtained everything from Great Britain except political and commercial liberty. Reflect upon the treatment which the South Africans, the Australians, the New Zealanders and North American indigenous population, despoiled of their lands and turned into serfs and corrupted with liquor, have received at the hands of the British settler, and contrast it with that of the people of India, where Raja and citizen, landholder and tenant, enjoy their ancestral land and houses, as they were at the beginning of the rule of the Company, transmitting them to their children, whether Hindu or Mahometan, according to their own law of marriage and inheritance, and where in the Courts of Justice there is no distinction of white, or black, Christian or non-Christian.

A certain English Missionary addressed a letter to Mr. Samuel Smith which has been published. Now I am well acquainted with all the Missionary Societies of India, and I should like to know the name of this gentleman:—

It is he who tells us that "the Board of Revenue encourage the drink trade, put facilities before the people in order to push on the trade and get in a large revenue: that there was a grand triumph for the Excise, but it was at the cost of fearful misery and demoralization of the people of India: that no less than half a dozen of Rajahs have died at a comparatively young age within the last few years from indulgence freely in kegs (sic) of champagne (not soda) and brandy." He then tells us "that Europeans may reform and give up drink, but a Native goes on to the end: he seldom or never can give it up."

I call on Mr. Samuel Smith to let us know the name of

this Missionary, that he may be cross-examined as to the truth of his statements : it ill becomes a Christian Minister, (unless perhaps he is a *Mahometan* missionary), to make such statements to a chance traveller, and not to bring it before the notice of a Conference of missionaries, or report it to his own Committee. As a member of the Committee of the Church Missionary Society, I can certify that we hear news from every part of India about famines, and pestilences, and the condition of the people of India, and the opium trade, and secular education, but I have no recollection of the subject, of the misery of the people brought on by drunkenness encouraged by the Government. In a Committee containing at least a dozen retired Anglo-Indian civilians and soldiers, this would have produced a startling sensation, and would have led to inquiries and remonstrances to the Secretary of State for India.

It is the European brewers, distillers, and exporters who are rendering nugatory all the endeavours of a wise and benevolent Government to control a fearful evil, which appears to accompany education and civilization when unsanctified by the Christian religion, which inculcates the only real morality.

I place on record the rate of annual consumption in each of the five great Provinces :—

Bengal, a quarter of a gallon for every adult male.
 Madras, less than a quarter.
 Bombay, less than a gallon.
 North-West Provinces, one pint.
 The Panjáb, a quarter of a pint.
 The whole of India, one bottle or a bottle and a half.

If the women are taken into calculation, and the boys and girls for whose unprotected state Mr. Caine expressed such anxiety, the average will fall still lower. The numbers are so enormous, it is not easy for those, who are only accustomed to the small population of Europe, to grasp the idea of a single province with a population of sixty-six millions, and an Empire of two hundred and fifty : the amount of liquor which would drench England, is only a sprinkling when scattered over India.

Sir Richard Temple, M.P., made the following statement in the House of Commons in 1887 : if any one knows India, he does, and he is in no respect the paid defender or in the least dependent on the Government of India :—

With regard to the civil administration, it had been said that in order to stimulate the Excise they were driving the people into intemperance. He gave that statement the most emphatic denial. If there was any tendency to intemperance, the Government of India would soon take steps to stop that danger. Anything further from the mind of the Government of India than the idea he referred to could not be imagined, and, indeed, very few populations were less liable to intemperance than the people of India.

I have very little to thank the Government of India for, not even a retiring pension: but I love the people of India very dearly, and after a careful examination of the systems of administration of subject countries by any nation in ancient or modern times, I have come to the conviction that the much-abused Government of India is the most sympathetic, the most just, the most tolerant, and the most influenced by Christian wisdom, liberality, and conscientiousness, that the world has ever seen; it is not then a matter of surprise that, as I hold such sentiments, the speeches of Archdeacon Farrar and Mr. Samuel Smith could not be overlooked: there were but two alternatives: to admit the truth of their statements, and join them in the crusade, or to combat them, as I do now. The Government of India has to submit to much contumely, but it appears to affect it very little: in the consciousness of right it is strong; the Indian press is free, and the records of the State are freely published: there is nothing to conceal.

I was attending in May a meeting of a Missionary Society, and as I passed in at the door in company of an ex-Viceroy, a paper was thrust into our hands, entitled "Licensing of Sin in India," which at the first glance I imagined to be an after-clap of the attack from the cloisters of Westminster, but No! it was a blast from the cloisters of Winchester, dictated by the wife of a Canon of that Cathedral, charging the Government of India with the encouragement of vice, really for the love of vice, for no imputation is made of a desire for gain in this matter. The charge will no doubt grow. Some Missionary (name not given) will meet a travelling M.P., and assure him that this diabolical measure is only another turn of the revenue screw, another indication that "the official Society of British India is rotten to the core": this time it is the Commander-in-Chief and the British Army that is attacked, not the Civil Governor and the Civil Service: but those who know Lord Dufferin and the Council of India, would rather trust the lives, and honour, and interests, of the women of India to their care, than to Professor Stuart and Mesdames Butler and Booth.

What can be done?

It should be impressed upon the Government of India that there should be triennial reviews of the Excise system, and the greatest watchfulness maintained over the working of the system, as carried out by native subordinates, who cannot be trusted: there should be some special officer in each province: his salary can be provided from the ever-increasing Excise. A stop at once should be placed on the use of intoxicating liquors in any college, or hospital, or office of the State. Intoxication should be punished by instant dismissal.

Bands of Hope, Temperance Societies, and a Temperance Literature in all the languages of India, should be encouraged. A Missionary tells me that they are already formed in the Panjáb, and no doubt in other provinces, as there is a strong feeling in its favour amidst a large section of the community: it is not like introducing a new religion: it is an attempt to enforce a rule of morality, in which all agree, whether Christian, Hindu, Sikh, Buddhist, Parsí, Jew, Nature-worshipper, Mahometan, or Brahmoist. The unwarranted attacks of Missionaries on Caste have been very prejudicial, as caste rules are great preservatives of the decencies of life and should be respected.

Sensational abuse should cease: the matter is too solemn for platform eloquence. Fanaticism does no good. Henry V. of England, a reformed rake, intended to root the vine out of France if he had lived: had he done so, he would have been equally intemperate in his manhood as in his youth. The existence of human tendencies in every race of mankind must be recognized as a fact: this is part of our physical constitution: the abundant supply of intoxicating materials in India is a fact also: this was part of nature's mysterious plan. We should try so to restrain the use by practical laws, that the weak may be held back from the abuse of what, if moderately used, is lawful. Centuries ago an abbey was built on Thorney Island, which became the most illustrious in the world: within a radius of five miles round this abbey, a larger amount of drink is consumed than in any other equal area: is the abbey to blame? The liquor consumed is both indigenous and foreign imports. The Empire of India is the most illustrious in the world in wealth, population, products and arts: the Indian Nation were foremost in science, commerce, manufacture, and literature, when the British were still savages clad in skins: and yet I have conclusively shewn, that at all periods of their ancient history, they had among them a section of the community who abused the good gifts of nature: and since the connection of India with Europe, the evil has *been intensified by the import of the liquid poison of Europe*: is the Government of India to blame?

And how can the British nation throw stones in this particular at the Indian? "Physician, heal thyself," would be the reply from India if it were as free as Australia. The great Indo-European or Aryan race, in its vast expansion from India to Ireland, has been for many centuries great in arms, arts, science and legislation, and everything that can render the human race illustrious, but it has in all its branches, Kelt, Teuton, Slav, Italo-Greek, Iranic and Indic, been always famous, in spite of the priest and moralist, for its passion

for intoxicating liquors, and at this day the Teuton has become the great poisoner of the world. Their footsteps have been dyed in blood, and their hands steeped in drink, in their grand march over continent and island : they talk of civilization and religion, but what they have given to Africa and Oceania is one grain of Bible teaching drowned in tons of drink. The wages of the day-labourer have been paid in demijohns of gin : the exchange of compliments with a Chieftain has been in a "dash" of brandy. Unless the conscience of Christian nations is roused, nothing can be done. The legislature of British India could in some way protect itself, if the iron hand of Manchester were lifted up, and it had the same independence of taxation of imports as the Dominion of Canada and the Colonies of South Africa and Australia. Some arrangements might be made for the interior distribution of European liquor among European residents in British India, if a prohibitory import duty could be placed upon all liquors imported *beyond sea for the use of the natives of India, their consent having been obtained to this arrangement* : until this is done, there is no hope for the people of India.

This paper will be published in India and England, and will probably be translated into some of the Indian vernaculars : copies will be sent to the Missionary Societies of North America and the Continent. The false charge has gone forth : the reply shall follow. The press of Europe, America, and India can bring to the test the accuracy of my quotations from Indian authors, and the correctness of the facts stated in the Despatch of the Viceroy. As soon as this stumbling-block has been removed, the Committee of the Church of England Temperance Society can resume its benevolent labours, and the Committee of the Missionary Societies can be raised from the state of suspended life caused by the speeches of Archdeacon Farrar and Mr. Samuel Smith. I am sorry to have come into collision with them, but

Amicus Plato : amicus Socrates : major amicus est Veritas.

LONDON, *January 1, 1888.*

ROBERT CUST.

ART. V.—INTEMPERANCE.

SUBJOINED is the text of the interesting Address on the above subject delivered by Dr. Birch to the Church of England Temperance Society :—

MY LORD, LADIES AND GENTLEMEN.—I am ashamed to say I was little more than acquainted with the existence of this Society when I was asked to speak to-night upon the *Medical Aspect of the Abuse of Alcohol* ; but I unhesitatingly consented to help a cause so obviously good, in my small way, by stating in plain language my experiences and professional conclusions. I confess, however, that I was startled when your Secretary subsequently sent me this circular, and my eye happened first to fall upon Declaration B. I had better state at once that I am not prepared to advocate total abstinence *à outrance*, as being either essential or practicable. I have often observed that the blue ribbon is most frequently worn by innocent girls who probably never in their lives dipped further into intemperance than sipping a little champagne at a wedding breakfast. At the same time I am ready to confess, well would it have been had the art of manufacturing spirituous liquors never been discovered. But as practical men we must deal with the world as we find it, not as we would wish it. An authority says, "if alcohol were unknown, half the sin, and a large part of the poverty and unhappiness in the world, would disappear." However, upon perusing the whole circular, I observed that the three objects which animate the Society, cannot but command the sympathies of all right thinking persons, and that Declaration B is merely an alternative framed to meet special cases and circumstances. Then, again, your Secretary changes sympathy into enthusiasm when he writes me, "the object of the meeting is to raise the tone of public opinion on the matter, and get a broad statesman-like view of its various intricacies, instead of the narrow personal discussions between abstainers and non-abstainers, which are so often considered the sum and substance of temperance work."

I, perhaps, have nothing new to tell you ;—it is the old, old story, the story of generations ; but a story, I believe, with shortening chapters.

Had anything been needed to stimulate me to join you this evening, it was that on the very day I received the invitation, I had seen three men, all strong, hale, and otherwise robust specimens of Britons,—men, too, of some education—raving lunatics from the effects of alcohol. Two were locked up in cells like wild beasts, a third was secured to his bed by sheets ;

and while I was occupied in giving directions for their treatment, an application for accommodation for a fourth victim was handed me.

But those who suffer from acute mania (*delirium tremens*) by no means represent the majority of the sufferers. It is not even the drunkard—he who escapes the maniacal condition—who is representative of the evil done by the abuse of alcohol. Steady systematic excess, which can usually be educated to a high point (and it is wonderful what fostering care is frequently devoted to its full attainment) is the really fearful producer of evil to the evil doer and misery to others.

Allow me to relate a little incident which happened some two or three years ago. I was called upon to give evidence in the High Court in Calcutta, in a case of a disputed Life Assurance Policy. I knew nothing of the case personally, but was called as, what they term in law, an expert—rather unkind considering the subject! Well, I appeared for the Company, and in cross examination I was asked—"But what do you mean by intemperance?" Now, definitions are uncommonly nasty things to deal with, especially when one is on one's oath in the witness box. However, I replied "there are *two* kinds of intemperance, the intemperance of bestiality and physiological intemperance"—and I thought myself well out of it; but I was not to be let off so easily. "Oh! yes, we all know what bestial intemperance means, but let us hear what physiological intemperance is? This was a poser: here I was out of the frying pan into the fire. I hesitated for a moment, and then, knowing that brevity is an essential element in a reply to a lawyer, answered "a man who exceeds 3 pegs a day is, in my opinion, physiologically intemperate." I *thought* I observed a surprised look upon the faces of some of the junior members of the bar, and I believe the reply served as a subject of conversation in the bar library, at tiffin hour, for some time subsequently. Yet I spoke advisedly and with the solemnity of an oath upon me.

Well, now I shall take you a little further into my confidence than I did the Court on that occasion, though I must confess I am almost as desirous of escaping from this platform as I was from the witness box. Physiological intemperance!—let us put aside the 3 pegs for the moment and ask more about it. I think it will bear an obvious sub-division into chronic alcoholism, and that smaller amount of excess which oversteps the consumption compatible with the maintenance of health. What is that amount? Authorities tell us that 1 to 1½ fld. ozs. of absolute alcohol is the maximum which a healthy man should take; 1 oz. of absolute alcohol is equivalent 2 ozs. of brandy (50%) 5 ozs. sherry (20%) 10 ozs. claret (10%) and 20 ozs. beer (5%). If these quantities be increased by ½, 1 ½ ozs.

absolute alcohol will have been taken, and the limit of moderation for strong men reached.

But whether we have the greater or lesser degree of physiological intemperance, the effects are the same—they differ but in degree and rapidity of action. I am particularly anxious to avoid a medical digression, but I must say a few words in explanation. Gastric disorders are an early symptom; with these come loss of temper, chronic querulousness and established dyspepsia; the man is no longer trusted, nor does he trust others—his best friends are alienated—the muscles waste, and while too little food is taken, a quantity of unwholesome fat is stored up, unless the dyspepsia or actual disease happens to have outstripped the slower effects. Then the *morbid changes* are essentially those of wasting—atrophy we call it—the brain, for example, in proportion to the numerousness of the convolutions of which animals possess sense, becomes smooth and rounded by this wasting, and the deficiency is occupied by an increase of the natural fluids which lubricate the organ.

And what are the results? They are moral and physical. I shall leave his Lordship to deal with the moral aspect, except to say that lying and cunning are vivid characteristics; but the more common medical results are premature age, chronic kidney and liver disease, fatty heart, apoplexy from the rupture of degenerated arteries, and a peculiar paralysis of the legs; while those who, through courtesy, are called *free livers*, succumb to pneumonia and fevers very easily. Chloroform to them is dangerous, and it is pretty certain that the abuse of alcohol plays an important part in the production of phthisis.

A very constant error is to suppose that the dangers of drinking are past and gone when the habit is abandoned. It is not so. It *may* be too late to take warning even when the commencement of a break down shows itself. Degenerative changes may have become established, which lead eventually to a sure shortening of life—as an example, take cirrhosis of the liver, the serious symptoms of which may not appear for a very long time after reform.

Terrible as is the contemplation of alcoholic excesses in men, a similar vice in women is still more revolting; but this much I am anxious to say, that though intemperance does exist among women, and often where least suspected, I, as a physician of a tolerably large experience, feel convinced that the sensational accounts which we every now and again hear, are exaggerated. Still it exists, and exists, I know, in unsuspected places. It is especially revolting! If the word "*unsexed*" has any meaning as applied to women, it is here well suited. Every womanly attribute—refinement, gentleness, modesty—are swept away. Cunning and lying then reach even a higher climax than in the case of the man. Some little shadow of

shame may still remain, consequently the tippling is in secret—secret from her dearest friend—and a woman so debased will descend to suborn her servants to procure liquor or some substitute for it for her—even eau de Cologne, or tincture of lavender.

Here let me say one word in defence of the doctors. Do not imagine that every time you hear the doctor accused of having ordered the "*stimulant*," he is guilty. Whether man, or woman, the drinker will seize upon any excuse which will tend to endow his vice with the slightest tincture of virtue, and lying is the only means of attaining this end. The physician's mouth is closed, otherwise I could relate instances which would astonish this meeting.

So far, we can be generous to women,—their failures are few comparatively; but let us also be just. Who are the chief sufferers? Are they not the helpless wives and their children?—and if there is one thing more than another which has struck me with admiration throughout my professional career, it is the loyalty of women to their drunkard husbands. Even the long misery which is entailed seldom shakes their true womanly loyalty, that grand attribute of the sex, which we cannot help reverencing. The men, I say, are infinitely the greater sinners in this respect. Sir E. Sieveking calculates 1 drunkard to every 74 of the male population, and 1 to every 434 females; and 1 to every 145 persons of both sexes over 20 years of age.

The temptations to drink among a certain class of Europeans in this country is very great. Men of the artisan class are, as a rule, isolated; they have no companionship, no amusements after a long day's trying work in a depressing climate. All this may not, in a code of morality, be accepted as an excuse; but we, as men of common sense, knowing the facts and frailties of humanity, are bound to consider it in a practical way.

To secure a trustworthy European for any minor post is a very difficult thing. Only the other day I had the painful duty of dismissing from his employment, an old man, the victim of chronic alcoholism; a man who had served his Queen and country in one capacity or another for about 30 years. With tears in his eyes he thanked me for past kindnesses, admitted that I was bound to act as I had done, but said it was of no use, he could not give up drink, and in this helplessly deliberate mood he has disappeared.

Chronic alcoholism in its graver forms, is, I greatly regret to say, very prevalent among the better class of Bengalis,—chiefly, however, among the uneducated or partially educated rich. When the Bengali drinks,—he drinks. A very large number of deaths among our Bengali fellow subjects occur in this city from the indirect results of alcoholism. I am sure every

medical practitioner in the town will uphold me in this statement.

How apathetic are we in this matter! What a fuss we make about cholera! But which claims the greater number of victims in this city of Calcutta, cholera or alcohol? I say alcohol does, considerably more. I do not make the statement loosely; I have examined statistics. In the General Hospital in 1886 we had of—

Cholera admitted ... 41 died 29

Alcoholism " ... 149 " 18

In 1887

Cholera admitted ... 33 died 21

Alcoholism " ... 105 " 22

Now almost all cases of cholera are sent to hospital, not so with alcoholic cases. Yet the number of deaths is similar, though deaths from alcoholism are returned most frequently under dropsy, paralysis, apoplexy, kidney or liver diseases.

Let us glance at the question from a Life Insurance point of view. I have this duty to perform daily on behalf of the largest Life Office in India. In this connection I consider temperance preëminently the important consideration. Sir E. Sieveking, talking of the expectation of life at different ages, says "an intemperate person of 20 has reduced the average expectation from 44·2 years to 15·6; a person of 30 from 36·5 to 13·8; a person of 40 from 28·8 to 11·6; and also that while diseases of the nervous system and digestive organs give rise to 15·9 per cent. of deaths in the population at large, they form 50·40 per cent. of all deaths among the intemperate. I have found this a safe working basis, but I believe the consequences to be still more serious in India.

There is something in a name. Alcohol is termed a *stimulant*. Is this true? It is only true to a very limited extent. Used incautiously it is a depressant, but I must not occupy time further by going into this part of the question.

One other point, though I may be encroaching upon his Lordship's ground. I cannot but allude to the injury sometimes done to young men, when new to India, by the advice tendered by their elders. I have known an ancient and gnarled mofussil devotee of the bottle, whom neither malaria nor brandy could kill, invariably advise young men upon arrival within his pestilential district, to "keep their livers well afloat" from the commencement, as the only means of maintaining health, and he pointed to himself as an example—and such an example is too often accepted as living evidence of what can be accomplished. His only excuse is that he himself believes in his theory!

I really must not weary you with more words. I told you I had nothing new to tell you, and I only wish I had told what I have said a little better.

ART. VI.—SOME IDEAS ABOUT THE RE-MARRIAGE OF HINDU WIDOWS.

THE condition in which Hindu widows have to pass their life is, generally speaking, so deplorable, that it is impossible for any right-minded man not to take a deep interest in the question of their amelioration. Not being allowed to marry again, they have in the majority of cases, to live as dependents on their parents, or on the relatives of their deceased husband. In some instances, widows acquire great power in the families in which they live, by the services which they render for the sake of love and affection only. But as a general rule their life is made miserable, not only by their perpetual widowhood, but by the austerities which they are required, by their moral training, to practise. They have to abstain from all kinds of luxuries; they are allowed to take only one meal in a day, and, twice in each lunar month; they have to fast for twenty-four hours, without even a drop of water to quench their thirst. The ideal of life, which is forced on them, is no doubt a noble one. But their purity and piety are, in a great many cases, due only to that moral tyranny of society, which is infinitely worse than physical compulsion. So long as they are not allowed to re-marry, the discipline to which they are subjected, serves to keep them in the path of virtue. Nevertheless, there can be no doubt that the restraints which are put upon them, materially intensify their misery.

Such being their condition, the question of their re-marriage is very properly occupying a large share of the attention of some of my countrymen. There may be considerable room for difference of opinion as to their objections against what they call '*child marriage*.' But so far as they advocate the re-marriage of widows, they cannot but have the sympathy of all good and thoughtful men. The point in their attitude, which may not be generally approved, is their irreverence to our *Shastras*. The moral discipline to which the teachings of our holy legislators subjected Hindu society for centuries, has been productive of a great deal of good, and it would be a great misfortune to the country, if the result of that discipline be allowed to be undone by such sweeping measures as are advocated by some of our reformers. To me, it seems, that the re-marriage of widows can be made possible, consistently with the precepts of our holy codes; and, in this view, I cannot approve the

radical changes in our social institutions, which some of my countrymen are trying hard to bring about.

Our *Shastras* do not prohibit the re-marriage of widows. By declaring that it is laudable on the part of widows to abstain from matrimony, our legislators no doubt discouraged the re-marriage of widows. But the texts which enjoin that widows should pass their lives in piety and devotion, are mere moral precepts, and not mandatory law. It is a fundamental principle of the interpreters of our *Shastras* that texts which only promise rewards, are not absolutely binding on any one. The Hindu exegetes regard only those injunctions as binding which contain a penalty clause. Now there is no text—at least I am not aware of any—which goes so far as to lay down that a widow by re-marrying consigns her soul to the torments of hell. Some orthodox Pundits hold the opinion that widows are bound to remain unmarried. But the foundation on which their view of the law rests, is admitted even by them to be very slender. On taking an unbiased view of the passages in our *Shastras* on the point, it appears clear that, like the texts which authorize *Sattee*, the texts which forbid re-marriage of widows, are optional precepts and not obligatory injunctions. [Yagva-alka, Chapter I, verse 75 ; Manu, Chapter V. verse 158]. But owing to their position of dependence and their want of education, the widows have to conform even to such optional precepts as apply to them ; while the male members of Hindu society violate with impunity such mandatory injunctions, as those against the drinking of spirituous liquors and association with degraded persons.

Though the re-marriage of widows is not prohibited by our holy legislators, in practice Hindu widows are not married for the following reasons :—

- (1.) Because in the classification of wives and sons, a very inferior rank is given to remarried widows and their sons.
- (2.) Because there is no positive injunction in our *Shastras* making it the duty of the guardian of a widowed girl to give her in marriage.
- (3.) Because giving a girl in marriage involves such an amount of trouble and expense, that Hindu fathers have very strong motives to be indifferent as to the remarriage of their widowed daughters.
- (4.) Because the Zenana system, and the Hindu abhorrence of endogamous marriage, render it impossible for females to exercise that right of

choosing their own bridegrooms which our *Shastras* give to them, when their guardians neglect to give them in marriage.

For the reasons stated above, widows were seldom remarried even in ancient times. The practice which found favor with the ancient Hindus was *Niyoga*, or appointment to raise issue on the widow of a deceased person. While this practice prevailed, remarriage in regular form was not necessary, and was consequently rare. But *Niyoga* was strongly condemned by Manu, though, at the same time, he laid down rules for its proper regulation. The conflicting texts on the subject in his code, have led some scholars to suppose that the texts which condemn the practice are interpolations. But the sage *Vrihaspati* himself has noticed the conflict; and there is, therefore, a strong presumption against the interpolation theory. The fact is that the apparent inconsistency can be sufficiently accounted for without admitting that any addition or alteration has been made, by some profane hand, in the original. In all probability the practice of *Niyoga* widely prevailed in the country in the time of Manu. He could not

therefore abolish it by a stroke of his pen. So he condemned it as strongly as possible, and at the same time imposed such restrictions on it as to make it die a natural death. The practice was so natural and perhaps so common also, that the sage could not declare it as illegal. But he laid down that it was legal only when made on a childless widow, for the purpose of begetting one male child [Manu, Chapter IX, verse 60] He laid down also that after the birth of one male child, the parties should regard each other as father and daughter-in-law [*Ibid*, verse 62.] These, and the many other restrictions imposed on *Niyoga*, rendered it obsolete in practice, and also increased the repugnance of Hindus against the remarriage of widows.

As things are now, the habits, ideas, and associations which are developed in the Hindu mind, render it impossible for the orthodox to conceive that a widow can be married again; the idea of an adult widow marrying again, instead of passing her days in piety and austerities, seems to be shocking to the moral sense of Hindus generally. With respect to virgin widows, the feeling of repugnance against their remarriage is not quite so strong. Even orthodox Hindu parents are, at times, touched by pity for their deplorable lot, and seriously think of giving them in marriage again, though practically they cannot do so, because society collectively would not

countenance such action. Remarriage of virgin widows is clearly allowed by *Shastras* [Manu, Chapter IX, verse 176.] And individually most Hindus are willing to favor the matrimony of girls whose husbands die before they attain puberty. But from the very nature of the case, no individual, however powerful, can possibly effect the necessary reform by his own exertions only. There is a tradition that the famous Raja Rajballabh of Dacca, having a widowed daughter, tried his best to give her in marriage again. But with all his influence in the Court of Murshidabad, he failed to attain his object. He applied for the sanction of the great Pundits of his time, through their recognised head the Raja of Nuddea. The Pundits were quite willing to give a favorable opinion. But the Raja of Nuddea, while outwardly professing to support the wishes of Raja Rajballabh, secretly encouraged the Pundits to give an adverse opinion on the ground of custom.

It is now more than 30 years since the Widow Marriage Act has removed whatever doubts existed formerly as to the validity of second marriages by Hindu widows. Yet instances of their remarriage are so rare, that the present state of things is very nearly what it was before the passing of the Act. The fact is that widows are precluded from marrying, not on account of any doubt as to the legality of their marriage, but in consequence of the Zenana system and the other causes mentioned above. The Widow Marriage Act has therefore, practically left the law where it was.

After giving to the subject my best consideration, it seems to me that the necessary reform can be successfully brought about only by giving proper facilities for the exercise of that right of *Sayambara*, which our *Shastras* give to damsels whose parents neglect to give them in marriage. [Manu Chapter IX, verse 90 : Jajnavalka, Chapter I, verse 64.] Literally interpreted, the texts apply only to *maidens*. But according to a well-known principle of interpretation, recognised by our exegesets, the same rule can be held to apply to *widows* also. At any event, widows can reasonably claim the benefit of the rule, where their guardians refuse to give them in marriage.

I am quite aware that there are many Hindu widows who would not marry again, even if every facility be given to them. But, if I am not greatly mistaken, there are also many who would gladly marry again, if allowed to do so. With very few exceptions, Hindu parents themselves would only be too glad to remarry their daughters, if they see the way to do so without incurring the odium of heterodoxy, or giving a handle to enemies for social persecutions. Supposing that there are

orthodox Hindus whose religious belief would not allow them to sanction even the *Sayambar* of their widowed daughters, such men cannot reasonably claim to have their feelings and prejudices respected so far, as to be allowed to interfere with the freedom of their grown up children.

There is nothing in our *Shastras* which makes it incumbent upon Hindu brothers and fathers, to prevent the remarriage of their widowed daughters and sisters by compulsion. If a widow chooses to pass her life in piety and austerities, without marrying again, she attains great merit. But if she desires to marry, then, I think, her father has no right to prevent her from exercising her right of *Sayambar*. And, in this view, I should think that the legislature may, very properly, make it incumbent on the guardians of a widow to give her reasonable facilities for being taken in marriage again. No Hindu father would willingly allow his grown up daughters to converse with strangers. But no reasonable objection can be made by the father to allow indirect communication between his daughter and her suitors, through some member of the family. If he prevents all communication, and refuses to give proper facilities for *Sayambar*, the Courts ought to have jurisdiction to prevent the exercise of undue influence by him. At the instance of any relative of the family or any eligible bridegroom, not actuated by any improper motive, the Courts ought to have a discretionary power to call upon the father, or any of his relatives, to ascertain the wishes of the girl, and to file affidavits. A remedy of this kind would be quite sufficient to overcome any reluctance on the part of the father of a 'virgin' widow to give her in marriage. At any rate, the experiment seems to me worth trying.

With respect to the difficulty of ascertaining whether a widow is a virgin or not, I need hardly observe that it can be obviated by defining the term 'virgin' as including females of a certain age who have never borne any children.

Those who are opposed to the reformation may question the legality of *Sayambar*, on the ground that it is unknown in practice. But no one who has any knowledge of the law of our *Smritis* can honestly raise any such objection. Ceremonies like *Jyotistoma* and *Agnistoma* are altogether unknown in practice, yet no Hindu lawyer can contend that the celebration of these *yajs* would be improper and unproductive of any religious merit, in the present age. The fact is, that practices which are unusual are not necessarily illegal.

It may be urged again, that even if every facility be given for *Sayambar*, the Hindu repugnance against the taking of widows in marriage is so strong, that eligible bridegrooms would not be forthcoming. This objection does not, I think,

ably to the case of "virgin" widows. Where the marriage of an youth is arranged by his parents or grandparents, preference would be generally given to little girls, who can be made pets, and not to widows, too old to be treated as children. But cases frequently arise, in which widowers and old bachelors amongst us, have to select their own brides. And these men would, I should think, give preference to grown up "virgin" widows, instead of taking girls of nine or ten to be the companions of their life, and mistresses of their household. In all the superior castes, there are some members whose rank is so low, that they cannot get married at all, except at a ruinous cost. If only to avoid the expense, they would be only too glad to marry even widows, instead of leading a disreputable life, and having to bear the stigma which, in Hindu society, is always implied in bachelorship—an old bachelor being necessarily taken to be a man of inferior rank.

For obvious reasons I refrain from going into details. If the main features of the proposal which is submitted for consideration, be approved, there will not, I think, be much difficulty in settling the details.

JOGENDRANATH BHATTACHARJEE.

ART. VII.—SOME REFORMERS. *

A GREAT deal of ingenuity is expended now-a-days by those who do not know Law, with the object of convincing the general public (who are only too willing to be so convinced) that Law is a thing which by reason of the machinations of lawyers has been rendered unreasonable and preposterous in itself, and that, if only the particular *panacea* recommended by the industrious explorer were applied, Law would straightway become perspicuous and simple, and would commend itself to the approval of ordinary men. On the one hand we have men of education and acuteness giving the public their views upon the so-called 'Philosophy' or 'Science' of Law; endeavouring to explain how this meets or divides itself from the other kinds of Learning with which they may happen to be familiar; what bearing the study of Psychology, or Logic, or History, has upon that of Law; and how the different topics of Law may be arranged under various divisions in an orderly system, so as properly to reduce Legal Science to one of the accepted Sciences. Again, we have, especially in India, numerous amateur jurists and lawgivers who strike boldly into the difficult paths of an intricate subject, with the sanguine conviction that at their touch what was dubious and baffling will become plain and obvious, and that, if the law were but arranged under various Codes in a series of concise principles, any man of intelligence might apply it with safety and certainty to any particular set of circumstances.

We do not know which of these classes of Reformers is most likely to fall into mistakes by the way, and be deluded in the high expectations which they may have formed of their mission of enlightenment. The former class have a legitimate object, and their labours are likely to lead to some profit if they can define more clearly the relation of Law to other branches of Human Knowledge. Starting with logical methods, they may, by degrees, methodise the Philosophy of Law, and make it plainer for the learner and more intelligible to the learned.

* 1. *Raj Kumar Law Lectures*, being Elementary Lectures on Law (chiefly the Criminal Law of India) addressed to the senior students of the Ráj Kumár College at Rajkot. By George Clifford Whitworth, Bombay Civil Service, Fellow of the University of Bombay, Judicial Assistant to the Political Agent in Kathiawar. Bombay: Printed at the Educational Society's Press, Byculla, 1888.

2. *Outlines of the Science of Jurisprudence*. An Introduction to the Systematic study of Law. Translated and edited from the Juristic Encyclopædias of Puchta, Friedländer, Falck, and Ahrens, by W. Hastie, M. A. Translator of 'Kant's Philosophy'; 'The Philosophy of Art,' by Hegel and C. L. Michelet; Pünjer's 'Christian Philosophy of Religion,' etc. Edinburgh: T. & T. Clark, 38 George Street, 1887.

The other class, when they attempt to apply their ideas to the practical difficulties which arise every day in determining Rights as they exist between man and man, must invariably be brought to feel their inability to cope with these difficulties without a proper mental and moral training. Unfortunately, in India, their mistakes usually go uncriticised, and they continue in sublime ignorance of their failure.

It will be best to dismiss the *Raj Kumar Law Lectures* first with a few words of explanation. These consist of a number of elaborately simple addresses, which remind one of the manuals or *enchiridia* of Natural Science, Political Economy or History, which used to be in vogue in young ladies' seminaries, the principal object of which appeared (to the outsider) to be, to impress upon the young and callow student the All-wise and Beneficent intentions of the Being upon whom he was dependent for his instruction. This fact being kept well before the learner, he was conducted by a series of more or less trite and obvious propositions all round the fringe of his subject; the secondary object of the professor being to avoid the real and patent difficulties, and to make difficulties out of such conceptions as the human mind most ordinarily grasps with ease, thereby (as is common enough) underrating the intelligence and critical insight of his hearers. The Rajkumar College at Rajkot is said to be an Institution where young Chiefs receive a physical and mental training such as will fit them for the position they may hereafter occupy as rulers of their people. Mr. Whitworth explains in his Preface that he has endeavoured to 'confine the subject to such principles, and to such details of practice, as an intelligent and efficient ruler of a State might be expected to be acquainted with,' and that he has 'tried to approach each branch of the subject rather as a spectator of legal proceedings, or as a citizen interested in them, than as a law-student or practitioner.' With these objects in view, and having, as we suppose, undergone a temporary self-effacement, Mr. Whitworth proceeds to explain and define the elementary conceptions of Law and its Codification, the different classes of Offences; the Law of Criminal Procedure from the time an accused person is first brought to trial up to the conclusion of the trial, including the Examination of Witnesses; and, in conclusion, we have a short discussion of various topics of Civil Law.

We are far from wishing to depreciate what is an honest effort to render assistance in the field of Legal Education in India. But it is to be questioned whether the ideas of the young Chiefs before drinking at this fountain of legal knowledge were not every whit as clear and satisfactory as they are now. Among a vigorous and manly people

such they may be supposed to be, the notions of Sovereignty and Punishment are strong, and they are more likely to be assisted by their own unaided common sense, and by such experience as they may gain as rulers, than by a second-hand edition of the Indian Codes. What they would themselves probably desire to see would be striking examples of Judges and Magistrates among the Government officers whom they may meet. The force of living examples will do more to raise their ideas of Sovereignty, and to stimulate their ambition than a hundred dissertations or disquisitions, treating them as if they were grown up children with backward intellects. We repeat, that for such people there is more hope that they will become honest and incorruptible Governors, than for the subtler and more refined peoples of Eastern India.

The *Outlines of Jurisprudence* is a book which merits more serious attention. As a translation it is written with a certain amount of vigour and felicity of language, and it displays both the ability and the enthusiasm of the translator. For his views upon legal subjects it is necessary to turn to the Preface, from which it is not difficult to see what are the merits and demerits of the work. Mr. Hastie, having apparently given his attention of late to the study of Jurisprudence, has brought himself to believe that nothing but intercourse with German ideas will assist us. He is one of those who think that, in the German conception of 'Right,' is contained all that is required for the expansion and developement of Jurisprudence as a Science or a Philosophy. He regards the study of the Law in England as in want of a 'more scientific and systematic discipline,' and insists upon 'the necessity of realizing the essential and organic connection of jurisprudence with the whole domain of social and political science, and the consequent demand for a practical elevation of the Legal Profession in accordance with its new ideals and responsibilities.'

The last sentence somewhat savours of the regret which is not uncommon with men who, after a lifetime spent in the so-called pursuit of knowledge, find their methods of thought unable to stand the plain practical tests applied by the law courts, and who thereupon blame the 'profession,' because they have not taken the trouble to study mankind. In order to assist in his object, Mr. Hastie has translated some five works of the lesser known German Jurists, being elementary Juristic Encyclopaedia which aim at leading up to Juristic study generally, by dealing with the Principles of Freedom and Right in the manner in which they are usually treated by the German School. So far as we can see, we must confess, there is nothing remarkable to the scholar, or likely to be of much assistance to the student in these works 'of acknowledged masters,' as Mr. Hastie

calls them, 'who have sounded all the depths and shoals of their science in the search for solid truth and fruitful possession,' (whatever this may mean) and 'who have had their right to lead and guide, authenticated by the fidelity of their enthusiastic scholars, and the consequent deepening and enriching of knowledge in every department of their science.'

The strongest argument against the German Juristic Philosophy appears to us to be, that it has been proved demonstratively and beyond doubt, to be based upon a loose and mistaken notion of the word 'Right.' Therein lies the whole pith and substance of this theory of the Philosophy of Law. The utterance of the word appears to call up, in the German mind, visions of Freedom and the Rights of citizens, and Patriotism and Order and the Harmony of the Universe. Hence it is that they are able to argue upwards from the narrow conception of a 'right,' as vested in the 'Person of Inherence,' and exercised against the 'Person of Incidence,' to a wider and more general notion of Law as having the Universe for its seat, and for its voice the harmony of the world. The Germans may gain much by the two-fold use of the word, but when its different acceptations are analysed, and the Science of Jurisprudence, as dealing with jural relations in the every day world, separates itself out from the Philosophy of Law as constituting the fringe of the science where it meets and blends with the other departments of human knowledge, the practical, if somewhat unimaginative English mind prefers to hold on by Austin's Analysis of Rights and Sovereignty now indelibly written in the pages of English Jurisprudence.

Mr. Hastie in his search for a more scientific legal education and a reformation of the Philosophy and Science of Law, quarrels with the theory of Utility first of all, and then with the theory of Sovereignty. The first as being controversial of the 'great modern principle of political equality,' and the second as 'making all Law the creation of arbitrary will.' It is sufficient to remark as regards the first, that the principle of Political Equality is by no means modern, but is founded upon a theory, the baselessness of which appears to us to be demonstrated every day; a theory which proceeds upon mistaken assumptions as to the capacity and character of individual men—the theory that each man on being born into the world acquires equal ineffaceable rights; and which, were it accepted in its fullest sense, would render Government of all kinds impossible. As regards the second, it is tolerably obvious that all Government must depend upon the will of some one, whether it be Hobbe's King, or Austin's Sovereign, or the sovereign People as represented by a free and enlightened House of Commons; and whenever a command of the Ruling Power

is issued (and it frequently may be a most arbitrary one the whole power of the State must be available to enforce it. For the conclusions of Bentham and Austin, Mr. Hastie would substitute the idea of a 'principle of Right implanted in the consciousness of the people.' By doing this he arrives in some way, not very easy to follow, at the notion of a 'living Science of Law.'

We can well understand how the German idea of Legal Philosophy arises, since the word 'Right' is for them instinct with all kinds of associations unknown to us. But if we may venture to say so, most of the progress made in the Science of Jurisprudence of late has been owing to English workers. It is idle to say that the theory of Utility and the theory of Sovereignty have been proved to have lost their original meaning, and must therefore be discarded. Ever since they were promulgated, these theories have been discussed and weighed, and a pile of sound juristic criticism has been built upon them. If Mr. Hastie would take the trouble to compare some of Professor Pollock's and Professor Holland's writings with the aphorisms of Puchta, Friedländer, and Falck, he would see that for sound work in the legitimate Science of Jurisprudence, England can get no assistance from Germany. We hope that Mr. Hastie will continue to carry on the work of translation which he proposes to himself, and of which the present work is an instalment. It is only right that the standard classical writings of the better known jurists of the Continent should be readable in an English form. They will be of interest to the professor and the scholar, but they will not assist much in clearing away the already numerous difficulties which lie in the path of the student of law; and he must clear a way for himself, through what has been called 'the tangled growth of precedent,' before he can attain to any clear ideas of his own on any subject.

If the problem of Legal Education in England presents less difficulties every year, we cannot afford to disregard the fact that in India the same problem daily grows more intractable and discouraging. Many of the races of this country may be said, in a sense, to have a *genius* for law. Their natural intelligence is great, and to a quick and ingenious facility for perceiving minute differences, they add a vast and retentive memory which is the envy of non-Asiatics. Hence there is arising in our Courts of Justice an enormous class of practitioners versed in the letter of the law, but knowing nothing of its spirit; possessed of powers of vague and discursive argument, but unable, through absence of plain common sense, to appreciate and adhere to a sound logical conclusion; without a high professional standard; without any real grasp of the principles upon which the edifice of law is built; looking only to the

expediency of the moment, and how they may propitiate or mislead the Gamaliels before whom they practise.

This state of things may be due to two causes. In the first place there is the extreme ignorance and simplicity of the rural masses, and the difficulty of arriving at the truth except by inverse processes of reasoning, and by paying minute attention to circumstances, in themselves of small importance, but which may afford a clue in the devious maze of truth and falsehood. To separate the one from the other requires nothing short of a trained mind and long experience, and where the Judge happens, in both these respects, to be inferior to the advocate who appears before him, it is not surprising that the latter should sometimes avail himself of the obscurity which surrounds the simplest facts of the case, and should lend himself to the fabrication of a methodically and skilfully prepared scheme of defence or attack, where it is impossible to separate the truth and the falsehood without a long and patient enquiry and the exercise of the highest judicial faculties. In the second place, leaving mere questions of fact aside, where the Judge has at best a layman's knowledge of law, acquired by the reading of books and not by observation of the law courts, or practical business experience, it is only natural that he should be thwarted and obstructed at every turn by the wiles of advocacy, and that even the half-trained mofussil practitioner should feel himself in the possession of a power to defeat, delay, or misdirect justice to an extent scarcely dreamed of in other countries. All these causes tend to depress the level of professional honour and forensic ability, and were legal education more profound or thorough than it is, the result could only be, so long as the Judicial Service disregards and expunges from its training a course of regular professional instruction, to render more pronounced the difference between the Rich man's Law, and the Poor man's Law, and to place in the hands of the former a more formidable engine than he now possesses for crushing his enemies, and for diverting the administration of Justice to his private ends.

In this state of things neither amateur law lectures nor a contemplation of the harmony of the universe, will help us. What is required is plain teaching and trained judges, and as a logical consequence, the minor forensic artifices will disappear, and the law in India will cease to be an instrument of oppression.

A RUSSIAN LEGEND.

"THE PESTILENCE THAT WALKETH IN DARKNESS."

In a vast and gloomy forest sat a traveller down to rest,
'Twas a mellow summer evening, golden sunshine filled the west ;
Far away in town and hamlet men and women watched the sight,
And troops of laughing children hurried to be home before the night.
But around that lonely traveller all the world a silence kept,
While the deepening shades of evening slowly through the forest crept ;
As he watched them gather round him, he was suddenly aware
Of a gaunt and shadowy figure, for it stood beside him there.
Then he would have fled in terror from the weird, unearthly sight,
But its power was laid upon him and a spell forbade his flight :
With pale, trembling lips he questioned ' what may be thy sovereign will ' ?
And a hollow voice gave answer ' all thy race I smite with ill.

**'On thy shoulders thou shalt bear me far and wide upon the earth,
'Where I come' all joy is darkened, bitter anguish has its birth.'
Then he felt it tower above him, yet no weight his shoulders bear,
In his limbs came tireless vigour, in his heart a black despair.**

So by haunts of men they wandered, over many a pleasant plain,
And a plague smote down the dwellers while they called on God in vain !
Here a joyous fair procession journeys with a youthful bride,
Her sweet face is flushed with feeling, for her lover walks beside.
In a moment o'er her flushes hath a hue of pallor spread,
Wildly do his arms enfold her, in his arms she lieth—dead !

So by haunts of men they wandered, over many a hill and dale,
Died all laughter from their presence, and there grew a bitter wail.
Rosy was the mother's darling when the evening's sun was warm,
At night she strains it to her bosom, sobbing o'er its lifeless form.

Came they to a narrow river, nigh upon whose other side,
Might be seen a tiny village, but the traveller shunned the tide ;
Then the spirit bade him enter, and his limbs perforce obeyed,
Till they reached the midmost current where his course once more was
stayed.

For it was his native village, in the village lived his wife,
Three fair children she had borne him, and he loved her as his life.
So upon the evil spirit at the thought his grasp grew tight,
Then he plunged beneath the waves, and was for ever lost to sight.

'Ere the waves had ceased to eddy, rose the spirit from the place,
Flowing water might not quench it, but an anger filled it's face—
'Mighty monarchs I have smitten, vain their regal pomps were found,
'And the armies they commanded, and the courtiers standing round.

‘Wise and learn’d learn to tremble,—can their skill their lives defend,
‘Till their toil of many years ripens to a perfect end?
‘Well I deemed that at my power earth would soon unpeopled be,
But they die to save each other ! this great courage troubles me.

**Thus the spirit, sadly speaking, faded into thinnest air,
And the sun came out rejoicing, there was gladness everywhere !**

A. EW BANK

THE QUARTER.

THE quarter just closed was marked by one event of historic moment and universal interest. William Ludwig, Emperor of Germany and King of Prussia, died on the 9th of February 1888. The King was in his ninety-second year, and thus the German Prince who was old enough to remember the crowning humiliation of Jena, survived eighteen years the crowning mercy of Sedan. It is commonly believed, or at least commonly asserted, that the death of the Emperor William will bring about a great and sudden change in the international character of European politics in our time: but in the correctness of this prediction I can, by no means, believe. The event will produce at present no change whatever; if a change does occur, it will be due to causes which were at work before the Emperor died, and which that event will neither accelerate or retard—but the change to be looked for is an internal change in Germany herself, and *that* change will come about slowly and gradually and not suddenly. Before the Prusso-Austrian war in 1867, socialism in Germany was becoming a tremendous power. Bismarck grappled with it and overthrew it, but what was the weapon which he wielded with irresistible strength, and which for the time being laid German socialism in the dust? That weapon was the prestige and tradition of a monarchy identified in the eyes of the people with a glorious popular cause and with a succession of splendid national triumphs. That tradition and that prestige will remain to the Prussian monarchy a potent ally, in the inevitable struggle with socialism which is “looming in the future” of German history, but one by one the personal links binding Prussia to that glorious period are being removed, and the time will come when that tradition itself will be a “dim remembered story of the old time entombed.” In the meantime Sedan and Gravelotte have been to the Prussian monarchy what Marengo and Austerlitz would have been to the Napoleonic tradition, if the First Empire had never known a Leipsic or a Waterloo.

For the rest, things political have remained almost *in statu quo*. Russia, notwithstanding the pacific assurances of the Czar, continues to gird up her loins for battle: Austria and Germany, notwithstanding the disclaimers of Count Kalnoky and Prince Bismarck, continue to gird up *their* loins for the coming struggle; Italy has taken up a position beside Austria and Germany; France

is very quiet but very watchful and prepared, and England,—well England is following what has become her traditional policy now, and doing nothing. A rumour which probably originated in Vienna, that nursery of political information and canards, gained very general credence in political circles during the quarter under review. It was to the effect that England, under certain conditions and within certain limitations, had joined the alliance of the central Powers. It is very probable, indeed, that there is something in this rumour—that some understanding has been arrived at with Prince Bismarck as regards the part England would take in case of Russian aggression on Austria and Germany. For the *motif* of that aggression will have a very direct interest for England. If Russia goes to war with Austria, the Austrian position and pretensions in the South-east of Europe will form the *casus belli*, and it was mainly owing to the profoundly skilful and far-seeing diplomacy of Bismarck at the time of the Berlin Treaty, that Austria was allowed,—or indeed as far as Germany was concerned—advised and recommended to occupy a position certain to bring her interests into conflict with those of Russia in connection with the necessary inevitable development of Russia's policy as Russia advances southwards towards Constantinople. On this advance it is necessary for England to keep a watchful eye. The uncertain element in the situation—the unknown factor—is the possible future policy of Bismarck himself. Germany, it is true, has contracted an alliance with Austria but Germany has also contracted an alliance with Russia. The alliance is a triple one, and one proviso of that alliance—or rather of the treaty embodying that alliance—is worth the most attentive study. Germany is certainly bound to aid Austria if, in violation of the treaty, Russia *attacks* Austria, but Russia can very easily keep the letter of the treaty and entirely violate the spirit thereof. The Panjdeh incident was on a small scale an illustration in point. The Afghans were the first to cross the river Kuskh, and the first shot is said to have been fired from the Afghan side. So far the Afghans were the aggressors, but the Russians had taken up a position which left the Afghans at the mercy of the Russians, unless the Russian movements were met and neutralized by corresponding movements on the part of the Afghans. Austria may either be compelled to attack, or compelled to insist that Russia shall withdraw large masses of troops from threatening positions on the Galician frontier, and then the sin of aggression will be charged on Austria, and from a technical point of view, the conditions under which Germany was to afford aid to Austria, will not have arisen. Will Bismarck take advantage of this technicality to desert Austria at the last moment? It is quite possible that

he may—all things are possible with a statesman so adroit, far-seeing and unscrupulous—and the Austrians themselves, judging from the more recent utterances of the Austrian press, are not without the most serious misgivings and apprehensions as regards the future of the Austro-German alliance. Prince Bismarck himself has repeatedly declared that Germany has only a very remote and indirect interest in the Bulgarian question. Now Russia has a direct and immediate interest in the Bulgarian question, and so, thanks to the Berlin Treaty, has Austria. Now if the *casus belli* as between Russia and Austria is directly connected with the Bulgarian question—and if in connexion with the development of her designs on Bulgaria, Russia compels Austria to go to war—will Germany, as represented by Prince Bismarck, go to war with Russia? I feel certain that she will do nothing of the kind, and I feel equally certain that she would be a great fool if she did. But Germany abstaining from the war herself, and keeping her vigilant eye on France, might offer England to Austria as her “natural ally,” and perhaps it may come to pass that the next European war will be fought out between Russia on the one side and Austria and England on the other, Germany remaining neutral. And possibly Italy might join England and Austria. And this is very nearly what happened just after the treaty of San Stephano. At all events, in my opinion, it is far too readily assumed that Germany must take a part in the next European war, and I feel confident that Prince Bismarck’s diplomacy is directed to two ends: first, maintaining peace, and secondly bringing about a state of things which will have the effect of localizing any war that takes place in connexion with the Eastern question. The same general prediction has preceded every European war that has taken place since 1867, to be always falsified by the event. It was predicted that a war between Russia and Austria would inevitably “set Europe, in a blaze and so forth. The war took place and Austria was crushed at Sadowa—and Europe did not take fire, even France remained fire proof through that highly combustible period. Then came the war between France and Prussia in 1870. Oh! now the match had been thrown into the European powder barrel at last, and a general explosion must ensue. But the general explosion did not ensue. Then came the war between Russia and Turkey, and sagacious observers saw in all the conditions and circumstances of that war, the Armageddon so often foretold—so often delayed, but now on the very eve of accomplishment at last. But the general scrimmage, so confidently anticipated, was not to be as yet, Russia and Turkey fought the deadly struggle out to the bitter end, the “nations did but murmur,” they took no part in the deadly and

protracted strife. And now the same thing is being said again—it has become the easy prophetic jargon of the period—and like all jargon, it has a wonderful fascination for a certain class of political thinkers in our time. But the indications do not, in my opinion, point that way—they point, on the contrary, in the very opposite direction. The strong *moral* feeling against unnecessary bloodshed, which is growing up and gathering strength in every part of the civilized world, has already been productive of some very substantial results, and as that feeling gains ground, general wars will become less and less common among the nations of the earth. This is one reason. The other is more technical, but not less weighty and significant, as an argument against the probability of the next European war being a general war. Germany has a very obvious interest in being permitted to *look on* at a struggle between Austria and Russia if that struggle diverts Russia from Germany. And so, taking one consideration with another, I believe that the next European war will *not* be a general war, and that the relative positions of Austria and Russia in the South-east of Europe, will have to be settled before the curtain can rise on a general European war—if it ever rises on that awful spectacle again.

Lord Dufferin has resigned. Why did Lord Dufferin resign? The reason, like the names in large letters on one of Lord Salisbury's "big maps," was perhaps too obvious to be readily detected. Lord Dufferin has resigned because, in colloquial phrase, he has had enough of it, or rather because he will have had enough of it by the time he has completed his fourth year as Viceroy and Governor-General of India. A man in Lord Dufferin's position has certain well-defined duties to the State, but he also has duties not less clear and not less imperative towards his family and himself. Lord Dufferin has been compelled to realize what the humblest official in Government service is made to realize as well as the Viceroy, that the *amount* of routine work connected with Indian administration has more than doubled in the last ten years, while there has been no corresponding increase in the number of the officers responsible for it. Lord Dufferin was not, when he came to India, a young man. He is not a particularly robust man, and the climate—even the climate of Simla—did not suit him particularly well, and more than once in the last four years it proved very trying to Lady Dufferin. Under these circumstances Lord Dufferin had a perfect right to resign a year before his time if he considered it necessary or desirable to do so. And then, as regards his administration. Has it been a success? He is the worst of Viceroys—he is the best of Viceroys, according

as we view him through the medium of the *Indian Mirror* or the *Pioneer*. There is only one thing of any importance which Lord Dufferin did—namely, the conquest and annexation of Uupper Burmah, and that was forced on him by a long chain of circumstances and events antecedent to his accession—the consequences of which he had to accept and make the best of. And he did make the best of them: the one important thing he was called on to do—he did well; and when he did nothing, he acted for the best also, and took the wisest course, because the curse of India has been a succession of feeble rulers, bent on doing *something*. Lord Lytton came by his something in the Afghan war, and Lord Ripon came by a very big something for his share in the Ilbert Bill. Instead of dealing himself or attempting to deal with the big questions which came to a head in his time, Lord Dufferin handed them over to Commissions. We have had the Finance Commission; the Public Service Commission; and while the Commissions were taking evidence, Lord Dufferin had his hands free to work at the special task for which he was sent to India—the scheme for the defence of our North-Western frontier. Under his energetic auspices that scheme was pushed forward and elaborated by Sir Frederick Roberts—until we can now say to Russia with some degree of confidence, “Come on;” and as there is little more in this direction to be done—or at least, as there is little more in the way of *design* to be initiated now—Lord Dufferin considers that he has discharged his task, and may fairly and honorably ask to be relieved. And this, also, is the emphatic opinion of every impartial and intelligent man in the community, European or Native. Lord Dufferin’s administration has been condemned by several native critics, and among these censors are to be found critics who are very intelligent men and critics who are very impartial men; but then the impartial men are not intelligent, and the intelligent men are not impartial.

Among the more notable events of the quarter was the sacerdotal Jubilee of Leo XIII. The event, in itself, was not very remarkable, except, as an ecclesiastical display, more varied and cosmopolitan than any other existing church could afford, but the attitude of the Great Powers of Europe towards this celebration was a very significant and remarkable phenomenon, indeed. Fifty years ago England was at daggers drawn with Papacy. More recently Germany was also at daggers drawn with the Papacy—but England and Germany, as represented by the congratulations and presents of their sovereigns, were perhaps the most prominent well-wishers of Leo XIII on the occasion of his Jubilee in 1888.

The French War Office scandals terminated during the quarter under review in the conviction of Mr. Wilson, and to his being sentenced to a term of one year's imprisonment. This will be a terrible blow to the ex-President, for M. Grevy, in addition to being a man of the greatest probity himself, was tenderly attached to his son-in-law.

The condition of the Crown Prince of Prussia, now Emperor of Germany, underwent a sad, and it is to be feared, a hopeless change during the quarter under review. The operation of tracheotomy had to be performed, and although the strength of the patient has kept up in a wonderful manner, it is to be feared that the end cannot be long delayed now. These protracted sufferings, borne with heroic fortitude, have added poignancy to the sympathy to which is felt for the Royal Family of Prussia and for our own beloved Queen in their great affliction.

Sir Henry Sumner Maine, the great jurist and philosopher, died during the quarter under review. What Darwin was to natural science, Sir Henry Maine was, in some important degree, to legal science—a discoverer and expounder of great principles governing the progress of human society during the reign of law.

On the 15th of March, the British force under Colonel Graham crossed the frontier into Sikkim, and after marching for six days over the most difficult mountain paths, and through some of the most sublime scenery in the world, came to the first Tibetan stockade at a place called Jeluksto. The Tibetians made some sort of stand at this place, but after a short fight they were driven from the position in utter rout, losing some eight killed and several wounded. Colonel Graham then advanced to a place named Garnei, which is within two miles of the Lingtu fort, and as we go to press, (23rd March,) news of the attack and capture of the fort is hourly expected.

A meeting was held at the Town Hall, Calcutta, on the afternoon of Thursday, March the 22nd, to vote an address to Lord Dufferin on his approaching retirement. The meeting was, in every respect, a splendid success. The Maharajah of Durbungah presided, and the hall was filled to overflowing with a most enthusiastic audience representing all classes of the community, European and Native. The fact is unquestionable that Lord Dufferin has been a most popular and respected Viceroy, among all those whose opinions or feelings on such a question are in the least degree, worth taking into consideration or account.

G. A. STACK.

23th March 1888.

SUMMARY OF ANNUAL REPORTS.

Public Instruction, Bengal.

PRINCIPAL STATISTICS—

The following table compares for two years the figures of all schools that submit returns to the Department :—

General Summary.

CLASS OF INSTITUTIONS.		1885-86.		1886-87.		Average number of pupils, 1886-87.
		Schools.	Pupils.	Schools.	Pupils.	
<i>Public Institutions.</i>						
University	Colleges ...	26	2,998	27	3,215	119
Secondary	{ High English schools ...	264	57,623	280	62,468	223
	{ Middle ditto	732	52,003	736	52,842	71
	{ Do. vernacular ...	1,141	63,944	1,157	64,478	55
Primary ...	{ Upper primary ...	3,087	113,526	3,149	115,150	36
	{ Lower ditto	47,623	986,160	45,338	965,239	21
Special	... ..	90	5,733	192	6,774	35
Female	... ..	2,336	46,293	2,242	46,428	20
Total Public Institutions		55,299	1,328,280	53,121	1,316,594	
<i>Private Institutions.</i>						
Advanced ; teaching—						
	Arabic or Persian ...	1,302	18,766	1,723	20,750	12
	Sanskrit	577	5,446	935	9,372	10
Elementary ; teaching a vernacular only or mainly						
	Other schools not conforming to departmental standards	234	3,689	575	5,492	9
	... ..	121	1,848	988	9,894	10
Total Private Institutions		2,234	29,749	4,221	45,508	
GRAND TOTAL ...		57,533	1,358,029	57,342	1,362,102	

The result is so far satisfactory, that there has been an increase, though to a very limited extent only, in the total number of students, and that it has been considerable under every head of superior education. The gain in these departments has been partly, though not entirely, neutralised by the falling off in primary instruction.

*Revenue Administration, Punjab.***P** RINCIPAL STATISTICS—

The collections of land revenue and tribute for the year under report and the previous year, are given in the following table under the principal heads of account :—

	1885-86.	1886-87.	Difference.
	Rs.	Rs.	Rs.
Fixed land revenue	1,96,43,843	1,98,01,351	+ 1,57,508
Fluctuating and miscellaneous land revenue	19,77,187	17,76,501	— 2,00,686
Tribute	2,79,068	2,79,068	.....
Total	2,19,00,098	2,18,56,920	— 43,178

The net increase on the Provincial fixed land revenue demand was Rs. 3,18,714, and was chiefly due to the incorporation of the new assessments in the Jullundhur and Rāwalpindi Districts with the fixed land revenue roll.

*Lunatic Asylums, Madras Presidency.***P** RINCIPAL STATISTICS :—

General Results.—On the 31st December 1885 the asylum population was 600, and during the year under review there were 168 admissions, making a total of 768 treated. Of these, 118 were cured, 15 improved under treatment, 33 died, 7 were transferred to England, 4 escaped, 1 was discharged otherwise, and 590 remained under treatment on the 31st December.

The following table gives the rates of recoveries and deaths :—

Results.	Percentage	
	To daily strength.	To admissions.
Cured	20'05	73'29
Died	5'60	20'49

The admissions, viz., 168 for the year show a falling off of 11 when compared with the nine months ending 31st December 1885.

*Inland Trade of Calcutta.***G** ENERAL STATISTICS :—

The following statement shows the registered trade of Calcutta with the interior carried by internal routes, as compared with that of the preceding two years :—

SPECIFICATION OF ROUTES.		IMPORTS.			EXPORTS.			TOTAL.	
		Quantity.		Value.	Quantity.		Value.	Quantity.	Value.
		Mds.	Rs.		Mds.	Rs.			
By country boat ...	{ 1884-85	3,57,37,470	10,12,98,387		81,47,526	3,43,04,623		4,38,84,996	13,56,03,010
	{ 1885-86	3,26,10,878	10,21,55,835		87,01,502	4,05,96,944		4,13,12,380	14,27,52,779
	{ 1886-87	3,33,70,734	9,21,38,827		83,80,386	3,19,31,950		4,17,51,120	12,40,70,777
„ Inland steamer ...	{ 1884-85	42,75,251	4,68,08,192		12,60,387	1,96,86,953		55,35,638	6,64,94,785
	{ 1885-86	47,78,162	4,74,21,584		12,85,219	1,95,93,008		60,63,381	6,70,14,592
	{ 1886-87	49,55,515	4,50,10,896		19,41,797	1,84,66,893		68,97,312	6,14,77,789
„ East Indian Railway	{ 1884-85	2,92,39,780	38,53,09,447		80,89,546	14,56,95,262		3,73,29,326	53,10,04,709
	{ 1885-86	3,56,24,521	40,08,13,797		81,76,247	14,68,32,582		4,38,00,708	54,76,46,379
	{ 1886-87	4,19,36,381	37,58,44,597		87,18,343	13,85,82,200		5,06,54,724	51,44,26,797
„ Eastern Bengal State Rail- way.	{ 1884-85	89,27,176	5,40,78,842		33,90,002	4,69,22,956		1,23,17,178	10,10,01,798
	{ 1885-86	88,37,631	5,73,61,374		34,54,300	4,52,09,021		1,22,91,931	10,25,70,395
	{ 1886-87	96,80,439	7,01,53,362		35,64,803	4,80,21,332		1,32,45,242	11,81,74,694
„ Road ...	{ 1884-85	55,11,896	4,60,03,594		27,32,471	1,58,23,074		82,44,367	6,18,26,668
	{ 1885-86	59,60,377	3,46,44,859		26,01,753	1,58,24,010		85,62,330	5,04,68,869
	{ 1886-87	52,59,068	2,84,12,054		24,22,738	1,24,21,155		76,81,806	4,08,33,309
Total	{ 1884-85	8,36,91,573	63,34,98,462		2,36,19,932	26,24,32,508		10,73,11,505	89,59,30,970
	{ 1885-86	8,78,11,769	64,23,97,369		2,42,19,021	26,80,55,505		11,20,30,790	91,04,52,934
	{ 1886-87	9,52,03,137	60,95,59,736		2,50,28,067	24,94,23,550		12,02,30,204	85,89,83,266
Average of the last three years		8,89,01,826	62,84,85,189		2,42,89,007	25,99,70,534		11,31,90,833	88,84,55,723

2. It will be seen that the total *quantity* of the import and export trade has increased by 7·32 per cent. on the figures for 1885-86, and by 12·03 per cent. in comparison with those for 1884-85. There has been an advance both in imports and exports, the former having risen by 8·42 per cent., and the latter by 3·34 per cent., on the trade of 1885-86. The supply conveyed by country boats during 1886-87 was 34·73 per cent. of the total trade, against 36·88 per cent. in the previous year, and that attracted to the railways was 53·15 per cent. against 50·07 per cent., of which the share of the East Indian Railway was 42·13 per cent. against 39·09 per cent., and of the Eastern Bengal State Railway 11·02 per cent. against 7·56 per cent., while the proportion of the road traffic to the total trade amounted to 6·39 per cent. against 7·64 per cent., and that of the traffic carried by river steamers to 5·73 per cent., against 5·41 per cent. in the previous year.

3. The total *value* of the trade of Calcutta, however, has fallen in spite of the increased quantities of goods carried. This is due to the fall in prices of nearly all important agricultural staples of this report.

Forests in Bengal.

PRINCIPAL STATISTICS:—

1.—AREA OF RESERVED FORESTS.

7. These are shewn below, with the changes that have occurred during the year:—

DIVISION.		Area on 1st April 1886.	Added during 1886-87.	Excluded during 1886-87.	Area on 31st March 1887.
		Acres.	Acres.	Acres.	Acres.
Darjeeling sub-division,	Darjeeling				
division	..	65,533	....	....	65,533
Teesta ditto	ditto ..	160,115	.....	53	160,132
Kurseong ditto	ditto ..	55,540	..	2	55,540
Julpigori division	..	118,343	....	....	118,343
Buxa ditto	..	169,462	....	....	169,462
Palamow sub-division,	Chota, Nag-				
pore division	...	120,389	6,400	6,400	120,389
Haz ribagh ditto	ditto ..	29,767	.....	....	29,767
Singbh om ditto	ditto ..	334,000	....	2	344,598
Sunderbun division	...	1,011,833	....	....	1,011,833
Chittagong ditto	..	86,740	....	....	86,740
Angul sub-division,	Orissa division	179,200	.....	.....	179,200
Khorda ditto	ditto ..	50,531	9,157	.....	59,685
Total ..		3,182,123	15,559	6,457	3,191,229

University Education, N-W-P.

GENERAL RESULTS:—

The growing demand for a University education, which was noticed in the review of last report, is again illustrated by a considerable increase in the number of students attending the Arts Course at the colleges and collegiate classes of high schools, which in 1885 was 383, and has risen from 438 in 1886 to 489 in the past year, as well as by a substantial increase in the proportion of self-supporting students. The following figures show a corresponding improvement both in the numbers who

presented themselves for examination at each stage of the course and in the percentage of successful candidates:—

	Candidates.		Passes.		Percentage of passes to candidates.	
	1886.	1887.	1886.	1887.	1886.	1887.
M A ...	8	14	2	6	25	43
B. A. ...	84	88	51	66	60	75
F A. ...	146	158	86	96	59	61
Entrance ...	719	741	238	477	33	64

In the Sanskrit examinations of the Benares College there was a slight falling off in the number of candidates, explained by the severe epidemic of cholera which visited the city at the time when the examinations were held; but there was an increase in the percentage of passes, and the continued popularity of the college is shown by the large number of students on its rolls. The success of the Agra College at the University Examination, and the great increase during the year of the number of students which attended it are equally creditable to the Principal and to the Committee of management.

Customs, Bengal.

GENERAL RESULTS—

The following table exhibits the gross and net Customs duty, inclusive of the duty on imported salt, collected in the Bengal Presidency during the past five years:—

	1882-83.	1883-84.	1884-85.	1885-86.	1886-87.
	Rs.	Rs.	Rs.	Rs.	Rs.
Import duty (excluding duty on salt) ...	14,87,018	15,13,590	13,25,339	13,99,392	15,05,764
Ditto on salt ...	1,74,72,613	1,73,13,587	1,91,86,114	1,80,35,154	1,94,85,102
Export duty ...	21,28,492	19,92,100	16,24,288	18,10,621	15,80,340
Total gross duty	2,10,88,123	2,08,19,277	2,21,35,741	2,12,45,167	2,25,71,206
Refunds and drawbacks—					
Imports ...	3,20,636	2,10,991	2,43,338	2,29,064	2,48,992
Exports ...	1,16,841	1,20,921	84,539	62,202	40,363
Total ...	4,37,477	3,31,912	3,27,877	2,91,266	2,89,355
Total net duty	2,06,50,646	2,04,87,365	2,18,07,864	2,09,53,901	2,22,81,851

It is satisfactory to observe that the total receipts during the year under review show a marked improvement, the figures being larger than those of any of the preceding four years. Compared with the net receipts of the year 1885-86, the figures for the year under report show an increase of Rs. 13,27,950, or 6·3 per cent., owing principally to larger clearances of salt during the year. In the revenue from import duty on general merchandize, there was also an improvement to the extent of Rs. 1,06,372, or 7·6 per cent., but the duty on exports diminished by more than 2¼ lakhs, or 12·7 per cent.

The increase in the import duty, excluding duty on salt, is due principally to heavy clearances of spirituous liquors immediately before the passing of Act II of 1887, which came into force from the 14th January 1887, and which prescribes the levy of a duty of Rs. 5 per gallon London-proof to be increased or reduced according to the strength. In the export duty the falling off is the result of smaller shipments of rice from all the ports in the Presidency.

Excise, Bengal.

PRINCIPAL STATISTICS—

Excise revenue. The total excise revenue and charges of the whole of Bengal are shown below—

PERIOD.	Revenue.	Charges.	Net Revenue	Percentage of charges
	Rs.	Rs.	Rs.	
Average of 1881 to 1885-86	98,83,861	2,80,151	96,03,710	2·8
1885-86 ...	95,81,573	3,16,370	92,65,203	3·2
1886-87 ...	1,01,23,130	3,67,173	97,55,957	3·6
Difference of the past two years ...	+5,41,557	+50,803	+4,90,754	+·4

The figures given above have been compiled from returns furnished by the District Officers.

	As returned by district officers.	As returned by Accountant-General.	Difference.
	Rs.	Rs.	Rs.
Revenue for 1886-87 ...	1,01,23,130	1,01,24,842	1,712
Charges for 1886-87 ...	3,67,173	.....	.....

The figures representing the revenue have been compared with the figures furnished by the Accountant-General with the results shown in the margin. The difference observable is in course of adjustment. The annual statement of

expenditure has not been furnished yet by the Accountant-General, Bengal.

The revenue of the year under review shows an increase of Rs. 2,39,269, or 2·4 per cent. over the average of the preceding five years, and of Rs. 5,41,557, or 3·5 per cent.

over the receipts for 1885-86. The receipts are better than the final estimates by Rs. 3,23,130, and the disbursements less by Rs. 24,827. The subjoined statement shows the total collections of the years under comparison under the different heads of exciseable articles with the fluctuations which occurred :—

Statement showing the Total Revenue of Bengal from excisable articles during the undermentioned years.

ARTICLES.	REVENUE.			IN 1886-87 COMPARED WITH 1885-86.		IN 1886-87 COMPARED WITH 1881 TO 1886.	
	Average of 1881-82 to 1885-86.	In 1885-86.	In 1886-87.	Increase.	Decrease.	Increase.	Decrease.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Country spirits	48,39,328	45,10,228	47,91,249	2,81,021	.....	.....	48,079
Rum	1,04,509	77,091	1,08,111	31,020	.....	3,602	.....
Imported wines, &c.	2,05,379	2,18,466	2,09,854	.....	8,612	4,475	.....
Tari	6,64,959	6,58,552	6,89,312	30,760	.....	24,353	.....
Pachwai	1,66,687	1,50,544	1,78,283	27,719	.....	11,576	.....
Charas	3,675	1,646	1,963	316	.....	.....	1,713
Sidhi, sabzi or bhang	33,154	34,423	37,927	3,504	.....	4,773	.....
Majum	2,370	2,347	2,453	106	.....	83	.....
Madut	87,854	86,702	83,649	.....	3,053	.....	4,205
Chundoo	27,870	30,889	29,746	.....	1,143	1,876	.....
Spirits used for arts	552	320	188	.....	132	.....	364
Ganja	18,98,861	19,46,627	20,75,435	1,28,808	.....	1,76,574	.....
Opium	18,43,707	18,57,968	19,05,751	47,783	.....	62,044	.....
Miscellaneous	4,956	5,770	9,230	3,460	.....	4,274	.....
Total	98,83,861	95,81,573	1,01,23,130	5,54,497	12,940	2,93,630	54,361

*Income Tax, Bengal.***P** RINCIPAL STATISTICS:—

The total number of persons finally assessed during the year, in Bengal, was 105,611, of whom 104,519 paid the tax up to the 30th June 1887. The total demand was Rs. 39,36,958, of which Rs. 38,60,658 were collected (excluding advance payments for 1887-88 and excess collections refunded or liable to refund), leaving an outstanding balance of Rs. 76,300, the greater portion of which is believed to be irrecoverable. The cost of establishment and contingent charges amounted to Rs. 2,49,794, to which Rs. 34,425 on account of the salary and travelling allowance of the late Commissioner of Income Tax being added, the total is raised to Rs. 2,84,219, and the net revenue amounts to Rs. 35,76,439, as shown below:—

SOURCE OF INCOME.	Number of persons assessed.	Demand.	Collection.	Balance.	Charges.	Percentage of charges.	Net revenue.
		Rs.	Rs.	Rs.	Rs.		Rs.
Part I.—Salaries, pensions, annuities, and gratuities ..	19,604	8,89,212	8,75,636	9,576			
„ II.—Profits of companies ..	153	3,94,613	3,94,613	.....		
„ III.—Interest on securities ..	69	41,936	41,936	.....		
„ IV.—Other sources ..	85,848	25,45,660	25,02,503	43,157			
	1,05,611	38,70,421	38,17,188	52,743			
Penalties and costs ..	....	66,537	42,977	23,567			
Total ..	1,05,611	39,36,958	38,60,658	76,300	2,84,219	7.3	35,76,439
		Advance payments for 1887-88 ..	1,24,839				
		Excess collections refunded or to be refunded ..	42,944				
			40,28,441				

Report of the Administration of the Andaman and Nicobar Islands and the Penal Settlements of Port Blair and the Nicobars, for the year 1886-87. Calcutta: Printed by the Superintendent of Government Printing, India. 1887.

SAVE to the specialist, blue books, whether published by authority of the House of Commons, or of some provincial Government in India, are not, as a rule, interesting to read, especially when one has to read a lot of them. We rejoice to have come across an exception to the rule in the Administration Report of the Andaman and Nicobar Islands, for the year 1886-87. An odd, unique little *imperium in imperio* it is that their

Superintendent bears rule in, and yet in its orderings, very much of a reproduction in miniature of larger and more pretentious satrapies on the Indian mainland. The Superintendent of Police, the Officer in command of the troops, the senior Doctor may be held to represent the council, the cyclone that rages every now and again, dissentient public opinion, the aborigenes, the Russian invasion scare. The Andamans can boast of "assessed taxes." There is an army, represented by a detachment of the Scots Fusiliers and a wing of the 7th Madras Infantry; a Navy rejoicing in three steam barges, 9 lighters, 78 boats, and 32 canoes. The church is disestablished; but there would seem to be some sort of priestly hierarchy existent, since we are told that 82 convict marriages were solemnized in 1886-87. Mention is also made of Courts of Law and Appeal, a Registration Department, and a Land Revenue Department. By the way, the principal item of increase to land revenue during the year under review arose from the collection and sale of edible birds nests—a Government monopoly, which some people do not scruple to say compares favourably with the Indian Government's opium traffic. There is a Postal Department, the work of which yearly expands, as is the habit with all properly inclined Postal Departments. There is a Medical Department; in connection with it we are told that the number of patients in the leper ward of the island hospital fell from 46 to 40. One would like to hear somewhat about the treatment pursued.

The Commissariat Department is a prominent feature of island economy at the Andamans. To it self-supporting convicts sold last year 1,090,475 lbs. of Indian corn, 276,631 lbs of paddy, and 3,299 lbs of rice, all which was ground into flour by departmental steam mills for the supply of the settlement. The department appears to be more successful with machinery than with live stock. It makes its pigs so fat that they die of heat apoplexy. The breed of cattle is deteriorating. Sheep-breeding was discontinued eighteen months ago, "as the result was found to be a loss to the State." The goat farm was a failure. Experiments with silo pits have proved more successful. In December 1886 one of these, at Aberdeen, was filled with 117 maunds 71 lbs. Guinea grass, and 6 maunds of sugarcane tops. It was opened on the 29th May 1887, and cattle ate the contents freely. Another silo filled at the same time as this one, with Guinea grass only, was not such a success. No opinion is offered as to whether or not the sugarcane tops of the Aberdeen silo supplied the saving virtue the other one lacked. The Commissariat Department in undertaking these experiments, seems to have intruded somewhat on the province of the Bureau of Agriculture, which was however busy enough about other matters during the year. Its greatest achievement was reclamation of

512 beegahs of mangrove swamp. It also cleared, partly for cultivation partly for grazing purposes, over 1,000 beegahs of jungle land, and it re-cleared of secondary growth, 10,370 beegahs deforested in a previous year. The outturn of Tea from the Government garden was not so large as had been anticipated. It goes without saying that the weather was "the principal cause of this," for red spider has not yet put in an appearance at the Andamans to plead excuses for a bad season. The cost of manufacturing the Tea is set down at annas 5'11½ per pound, and it sold for annas 7'7½ per pound. Cash profits, deducting estimated value of convict labour employed (an average of 122 a day) and other book charges, Rs. 2,632. Otaheiti potatoes and tapioca have been introduced, and thrive. The cacao plantation promises fairly well. Nutmegs feel the drought in the hot weather. 169 lbs. of fibre were manufactured from *musa textilis*. Cocoanut trees have been successfully introduced. The Agricultural Department keeps three packs of dogs of miscellaneous breeds to kill wild pigs. The sale of the pigs covers the cost of the dogs keep; every thing is self-supporting at the Andamans.

The officers of the Andamans Forest Department have much to be thankful for. There are no breaches of forest law, because convicts and ticket-of-leave men alike are too much under surveillance to be able to commit any. There are no forest fires. The forest undergrowth is so dense, that cattle cannot pass through it; and so there is no bother about grazing or fencing. On the subjects of natural reproduction, Mr. P. J. Carter, Deputy Conservator of Forests, writes:—

All efforts to encourage natural reproduction would naturally be directed towards padouk, the most valuable species in the forest. Little experience has as yet been gained, and what is known offers little encouragement. The padouk trees in the forest are of large size and great age, so that not less than one-half are hollow and useless. There is no gradation of age classes so far as padouk is concerned. The existing trees are probably 300 years old and, for the past three centuries, no natural reproductions of padouk has taken place. Other species have taken possession of the blanks which have been caused by fallen trees. These species must have been for the greater part shade enduring trees, previously existing in undergrowth, and to a less extent, seedlings of species with very rapid growth, which were able to get their crowns through the advance growth before it formed a canopy. Only in this way can the prevalence of such shade-avoiding trees as Bomba and Payanelia be accounted for. The shade enduring advance growth has in many cases been *Droopyros* and *Muraya exotica*. The system of selecting felling without special operations to encourage a desired species, must result in a forest consisting of trees capable of enduring dense shade interspersed with trees (not necessarily shade-enduring) of very rapid growth. To neither of these classes does padouk belong. It cannot endure a dense shade, or it would be found among the undergrowth in the forest. The shade given by it is not dense, for in the young plantation of padouk, although its canopy is complete, the ground is covered with a growth of low grass. It is true that

this grass is of a shade enduring kind, but it is entirely absent from the adjacent plantation in which teak is the principal species. Nor is padouk of rapid growth when very young. When five years old it is scarcely more than half the height of a teak tree of the same age, although it is very probable that at the age of ten years and afterwards, its growth would rival that of teak. The natural reproduction of padouk, therefore must entail a considerable expenditure in clearing the ground to enable the seedlings to establish themselves, and in weeding out other species until the young padouk is out of danger, probably, until the age of ten years.

Padouk is exported to Calcutta and London in the form of telegraph posts, and planks, and squares; Mowa and Gangou wood does for sleepers; Gurjan timber is converted into tea-boxes. Bamboos, canes, rattans, thatch, firewood, find a local market. The Forest Department realized a profit last year of Rs. 5,579-14-2. The crumpled rose leaf in the Andamans. Forest Officer's lot is the mortality amongst his elephants. The climate does not agree with them, and they either die off, or get a disease in the feet which quite disables them from work. And as the outturn of timber is entirely dependent on the number of elephants available for dragging it through the dense forest undergrowth, a portable tramway is Mr. Carter's suggestion for a way out of this difficulty.

Every thing is arranged with such exquisite precision at the Andamans, that even the local Public Works Department does not spend more money than it bargained for. Its budget allotment last year was Rs. 38,200, and when it had spent 38,199, it pulled up short, leaving one rupee as a margin for possible errors of account: or, possibly, the unspent rupee was a bad one which the Treasury officials wanted to palm off on a too 'cute' Engineer. In any case the result is most admirable, and worthy of imitation in India. Saw mills are set down as the major works undertaken by this department; the minor works include construction of a tea factory, and two bridges on masonry piers. A lot of bunds were also made, and the Viper Jail was replastered. Attached to the Public Works Department is a convict "Artificer Corps" of 577 persons—bricklayers, carpenters, cobblers, engine drivers, painters, tinkers, tanners, tile makers, polishers—and professors of a dozen more industrial occupations. The workmanship in the district workshops is said to be improving every year.

From technical education we turn to education proper, and find it written, that a trifling increase of expenditure upon junior Masters and Monitors has given a great impetus to local education. Convict masters are being gradually abolished. The percentage of attendance at the schools has been high.

With a view to a better and more intimate acquaintance with the aborigines of the little Andaman, Mr. Portman spent some

time amongst them, and gives an interesting account of his different visits. Here is an extract from his Report :—

“ From what I can learn, I am of opinion that, while the whole of the Little Andaman Island is peopled by one race calling themselves Onges, these people are sub-divided into tribes, who adhere more or less to their own country, and who appear to quarrel and fight among themselves. What little I have learnt of their language I have embodied in my work on the languages of the Andamanese, written at your request, but the amount is small. It differs almost totally from any language with which we are acquainted, except that of the Jarawa tribes.

“ The people appear healthy, their principal diseases being chest complaints, coughs and colds, fever and itch. There is no syphilis amongst them, and in physique they compare favourably with the inhabitants of the Great Andaman.

“ Their manners and customs differ somewhat from those of our people, the principal differences I have noticed being the following :—

“ The large circular huts built by them ; the raised charpoys on which they sleep ; their habit of cooking, drying and storing in baskets a small fish similar to a sprat ; the difference in the shape of their canoes at the bow and stern ; the difference in their ornaments, and the absence of bone necklaces and broad tasseled belts amongst them ; the women wear a tassel of a yellow fibre in the place of the leaf worn in the Great Andaman ; the difference in the shape of the bow, which is of the European pattern. The arrows used for fish frequently have four heads of different lengths fitted into one shaft.

“ The people are by no means expert in the use of a canoe in the rough water, and are unable to harpoon turtle. They paint their hair only with red earth, and not their entire bodies, and they do not allow their hair to grow long ; the women do not keep their heads clean shaved.

“ Their staple food appears to be the seed of the mangrove, boiled, as that article of diet is always to be seen in their huts, supplemented, of course, by whatever else they can get.

“ I may here mention that, after close and continued observation of their habits, I entirely disbelieve the legend that they were formerly in the habit of visiting the Car-Nicobar Island. How, indeed, having regard to the apparent difficulties of such a journey, the legend could have been seriously entertained by any person with common sense, I cannot imagine.

“ It was very pleasant to see the numbers of healthy children of both sexes in the various villages ; the people seem to marry later in life than do the Great Andamanese, but the same system of monogamy prevails.

“ The music of their songs is different and more pleasing, and it is not accompanied by clapping of hands, or striking of a sounding board.

“ Their dance is peculiar and unlike that of the other Andamanese, being apparently an imitation of the act of coition.

“ They have no religion of any kind, and I have learnt nothing of their traditions or superstitions from which they seem even freer than our people.

“ In conclusion I may say that the people are by no means fierce, being, if anything, of a milder disposition than our people, and I became very much attached to them, which attachment is, I think, returned. They are easily silenced or frightened, and are in great dread of a gun.

“ The Island at the north end appears to consist of mangrove swamp, and low belts of sandy soil on which the aborigines live. On the west and south-west coast the land rises into low hills of a coarse sandstone, running more or less north and south. The timber appears to be much the same as that of the South Andaman, and the rocks are chiefly lime and sandstone, with a good deal of actual coral rock on the east and south coasts.

In one place, on the point south of Daogule Bay, I noticed an out-crop of igneous rock. There appeared to be no minerals.

"The products of the sea appear to be the same as at the Great Andaman, but that the Tubiporine family of coral, particularly *Tubipora musica*, occurs in profusion. Dugong and turtle abound in the sea, and I captured two of the former, one being a remarkably fine specimen, and many of the latter.

"The Onges are very fond of turtle, which they are unable to get with the facility with which our Andamanese catch them, as they are ignorant of the use of the harpoon, and turtle always formed a great part of my presents to them.

"In rough weather landing is almost impossible on most of the coast, and in calm weather there are heavy ground swells and tide rips. The following are the best anchorages of small vessels :—Bumila Creek ; Eketi Bay, just inside the north end of Nachuge Point, Geejege, opposite Ingoie, about half a mile from shore ; Hut Bay ; Daogule Bay and Obate. Landing is difficult in most places, and I always used an Andamanese canoe.

Report on the Administration of the Madras Presidency during the year 1886-87. Madras: Printed by R. Hill, at the Government Press. 1887.

THE Madras Administration Report for 1886-87 bids adieu to Sir M. E. Grant Duff's governorship, and takes notes of Lord Connemara's first year of office. Sir Grant Duff thinks the most important events of his provincial reign were the new decentralization scheme, settlement of boundary disputes between Cochin and Travancore, relief of the police from duties in direct connection with the Salt and Marine Departments, appointment of an Archæological Surveyor, publication of the new Madras Manual of Administration, patronage of science, technical education, and female education, continuation of the Madras Harbour Works, publication of facts connected with the Madras Observatory, establishment of a Caste and Gosha Hospital, extension of the jurisdiction of village Munsiffs and reorganization of the Registration Department. We doubt much whether the late Governor of Madras did as much for technical education and female education as he supposes he did. Work on the Madras Harbour Works *had* to be resumed, like the "frog who *would* a wooing go, whether his mother would let him or no." His other claims to distinction are characteristically pettyfogging and vainglorious, on the part of an Imperial satrap. He will be remembered in Madras rather because of the numerous scandals that disgraced his administration. The man has a desperately parochial mind ; was cut out for a Poor Law Guardian, or Bumbledom of some sort, and has altogether missed his vocation in life.

The season of 1886-87 was on the whole favourable to agricultural operations. The average rainfall for the Presidency amounted to 46.97 inches, which is about a normal average.

There was an increase of 394,000 acres to the area under cultivation. Food grains were cheaper than in the two previous years. The fall in prices was common to all districts, and was due to the favourable character of the season, and not to any adventitious causes. The wages of skilled artisans—masons, carpenters, blacksmiths, &c.—varied from Rs. 11 to Rs. 15 in fifteen districts, and from Rs. 15 to Rs. 20 in six others. The total value of the sea-borne trade of the Presidency in the official year 1886-87, excluding treasure and transactions on account of Government, amounted to 23 crores and $2\frac{1}{4}$ lakhs of rupees against 21 crores and $35\frac{1}{4}$ lakhs in the preceding year—78 lakhs of increase under exports, and 89 lakhs under imports. The total value of the external trade, *i.e.*, the trade with foreign countries, with Indian ports not British, and with British ports in other presidencies, amounted to over 20 crores and 44 lakhs: an advance of 1 crore and 92 lakhs as compared with 1885-86; exports increased by over 91 lakhs, imports by over 101 lakhs. The increase was mainly in the trade with the United Kingdom. The more important exports of Indian articles—those of which the annual value exceeded 50 lakhs of rupees—were hides and skins, coffee, raw cotton, seeds, spices, indigo, grain pulse, and sugar. There was an increase of exports of all these staples except indigo, the largest increases being that of raw cotton, coffee and spices. The largest import items were cotton piece-goods, twist, and yarn. The total value of the trade with foreign countries amounted to nearly 14 crores and 45 lakhs, or $15\frac{1}{4}$ in advance of 1885-86. The total value of the coasting trade, chiefly with Bombay and Bengal, amounted to nearly 6 crores.

No increase was made to the length of navigable canals open for traffic; no extensions were made to the Madras and South Indian Railways. The following new lines are in course of construction:—The Bellary—Kistna State Railway from Guntakal junction to Bezvada; the Cuddapah-Nellore State Railway from Tirupati to Nellore; the Calicut extension of the Madras Railway; the branch from Pálghat station to Pálghat town, and a line from Bezvada to the Nizam's frontier. The Bellary branch of the Madras Railway was sold on 1st February 1887 to the Southern Mahratta Company for Rs. 30,00,000.

The License Tax was displaced on the 1st April 1886 by the Income Tax Act, which realized Rs. 13,83,000; collections under the License Tax Act amounted only to Rs. 4,34,000. A sum of Rs. 83,000 was refunded to the Madras and South Indian Railway Companies on the Government of India ruling that those Companies are exempted from assessment on their net profits when not in excess of the guaranteed interest. The

incidence of the Income Tax amounted to 8 pies per head of population. The average incidence of taxation, under all heads, rose from Rs. 2-7-7 in 1885-86, to Rs. 2-7-10 per head of population.

There was a decrease of expenditure to the amount of Rs. 33,000 due to smaller payments under the grant-in-aid system, the transfer of six High Schools to Municipalities and the closing of another one. Financial pressure is held to have rendered these drastic remedies necessary. The year closed with 1,788 private schools attended by 30,853 pupils, against 1,397 schools and 22,859 pupils in 1885-86. In six of these private schools instruction of an advanced kind was given in Arabic or Persian, and in 29 of them similar instruction was given in Sanskrit. 34 schools with 2,768 pupils were ordinary Anglo-Vernacular schools, not conforming to departmental regulations. The remaining 1,719 schools, with 27,537 pupils were of the primary standard, and consisted mainly of indigenous schools qualifying themselves for recognition and aid under the results system. The number of pupils under training for masters fell from 1,131 to 1,104. In the Higher Examination for women, 15 passed out of 20 examined; in the Middle School Examination, 54 out of 82; in the Special Upper Primary Examination, 114 out of 136; in the School Management Examination, only 28 out of 93: that is a fact worth a little consideration. Sixteen Industrial Schools, with 692 pupils, were at work at the close of the year, and making good progress. Of the male and female population of school-going age, 18·5 and 2·8 per cent., respectively, were under instruction, against 17·3 and 2·5 per cent. in 1885-86. Of the pupils in public and private schools, 6,966 were Europeans and Eurasians, 38,985 Native Christians, 43,715 Mahomedans, 71,667 Brahmans; and the rest non-Brahman Hindus and others. About 1 per cent. belonged to the richer classes, 19 per cent. to the middle classes, and 80 per cent. to the poor classes. The number of female students in the Medical College, Madras, rose from 14 to 20, and has, we are told, further risen since the close of the year under review. Lady Dufferin's scheme for the Medical education of women, is bearing good fruit.

During 1886-87, 10 examinations in connection with the Uncovenanted Civil Service were held. One of them was the new Higher Examination in Science, Arts and Industries. The examinations were (1) the Special Tests, including (2) the Police Test. For the former, 3,264 candidates appeared, and 939, or 29 per cent. passed. Last year 1,035 or 33 per cent. passed out of 3,097 examined. For the Police Test, 53 appeared and only 4 passed—last year 6 out of 51 passed. 42 appeared for (3) the examination to the admission of the grade of "Civil

Medical Pupil," and 56 for (4) the grade of "Military Medical Pupil," as against 88 and 23, respectively, last year. (5) For the Higher Examination in Science, Arts and Industries, 141 appeared and 73 passed. Drawing of various kinds and pure mathematics were the subjects mostly taken up. (6) For the Salt Tests, 642 candidates appeared and 352 passed, against 570 and 294, respectively, in 1885-86. (7) The Middle School examination was attended by 7,724 male and 458 female candidates, against 7,564 male and 324 female candidates in the previous year. Of those examined, 3,716 males and 281 females were successful. The percentage of passes, which was 63·5 in 1884-85 and 30·5 in 1885-86, was 54·5 in the year under review. In the Middle School examination, 194 candidates appeared in Art and Industrial subjects, and the number of passes was satisfactory. (8) For the Special Upper Primary examination, 1,536 males and 759 females registered their names, of whom 858 and 460, respectively, passed. The results as compared with the previous year were very satisfactory, 56 per cent. of the male and 62 per cent. of the female candidates having passed against 45 and 43 per cent., respectively, in 1885-86. (9) For the Higher Examination of Women, 184 candidates registered their names and 142 passed. The number registered was fewer than in 1885-86, but 77 per cent. passed against 56 per cent. in the previous year and 28 per cent. in 1884-85. (10) For the examination of matriculates in handwriting, 1,493 candidates appeared and 1,301 passed, against 1,208 and 456 in 1885-86. The receipts for the year in connection with these examinations were Rs. 65,642, and the charges Rs. 64,245. Last year the receipts were Rs. 62,482 and the charges Rs. 52,123.

The section of the Administration Report dealing with Archæology informs us that Mr. Rea, First Assistant, Archæological Survey, was engaged in the completion of the survey of several Chálukyan temples in the Belary district. The staff thereafter proceeded to head-quarters at Madras, and was engaged in inking drawings. In September, the pre-historic remains lately discovered at Pallávaram were inspected. An inscribed stone and some small articles of pottery found there, were removed to the museum, and a temple with a large number of inscriptions was noted. In November, Dr. E. Hultzsch took up his duties as Epigraphist of this Presidency. In December, the seven pagodas were visited and a buried cave temple discovered. The survey then proceeded to North Arcot and surveyed the large temple at Vellore and places of importance in the neighbourhood. Some small ancient articles were discovered buried in the Vellore temple. The large temple at Virinjipuram, the beautifully carved blackstone temples at

Melpadi, the Jaina rock sculptures at Vallimalai, the interesting structure at Sholinghur, and the curious cave at Mahendravadi were the chief objects of interest surveyed in the North Arcot District.

The Chemical Examiner to Government had to examine into 998 cases. 163 of them were medico-legal cases of suspected human poisoning, and of blood and seminal stains; 114 related to cattle poisoning. Poison was detected in 74 of the cases in which men and women were concerned, and in 68·4 of the cattle cases. The principal inorganic poisons used were arsenious oxide, mercuric salt, orpiment, and glass powder; the vegetable poisons nux vomica, opium, datura, calotropis gigantea, lebedicropsis orbicularis, ganja, and assafœtida.

The Madras Administration Report closes with the following paragraph :—

The number of Muhammadans in superior Government service on the 1st April 1886 was 6,231 out of a total of 35,599 employed, but of these 5,915 hold appointments of less than Rs. 250 per annum. The number in the police, the department in which they are chiefly employed, has fallen from 5,433 to 5,365. Two of the 8 Statutory Civilians are Muhammadans.

Administration of the North-Western Provinces and Oudh.
April 1882—November 1887, Allahabad: Government Press,
 North-Western Provinces and Oudh, 1887.

THE fitness of things is a chameleon-like abstraction, the variable colours of which a beholder determines for himself. For specification they are mainly dependent on his point of view at the time; and so it happens that when a Magistrate-Collector or a District Judge retires from the service, the Lieutenant-Governor of the province he has served in, rigourously forbids reception, on his part, of complimentary farewell addresses from the people he has ruled over, and made his rule acceptable to. A year or two afterwards, when it is that Lieutenant-Governor's turn to retire, he, dying swan-like, sings his own requiem, writes a complimentary address to himself, and calls it a review of his term of administration. We noticed Sir Rivers Thompson's not long ago. Now we have to notice Sir Alfred Lyall's. It goes without saying that it is intended for the information of Sir Alfred's successor. That is the established formula, the author of which finds it convenient for the time to ignore the multifarious Reports and Resolutions he leaves behind him, and which are a sufficiently complete record of his reign and acts.

From his preface we gather that the late Lieutenant-Governor of the North-West Provinces and Oudh deems the questions and transactions "belonging to" his term of office, of more than ordinary public interest. Firstly because of a general scheme of Lokil sluff introduced under his auspices, lastly

because in 1886 re-imposition of an Income Tax was added to the business of Revenue officers, intermediately because of more claims to honour than we can find space to enumerate here. With regard to the claim first mentioned, Sir Alfred Lyall suggests, that if the result of elections has generally been to give the principal towns strong, capable, and fairly representative boards, the fact that many of the members were elected without contest is immaterial. There is great inherent virtue in an "if" sometimes, and covering a multitude of supinenesses is no great tax on its energies. In this instance the "if" should be read in connection with a subsequent sentence, worded thus:—

"The appointment of the Chairman was left in every case by the Boards in the hands of the Government, and in all districts the Magistrate became Chairman." About Income Tax assessments we are told that assesseees with under Rs. 750 per annum monopolized 54 per cent. of the tax gatherers' list of victims, and that "the results of the first year of the Act may be regarded generally as sufficient." A complacently oracular deliverance.

Some theorists are very fond of abusing Lord Cornwallis' Perpetual Settlement and its workings in Bengal and Behar. They would do well to consider what the experience of the late Lieutenant-Governor of the North-West Provinces leads him to say about the workings of a decennial settlement. Here is the criticism:—

The operations were protracted on an average over a period of more than 10 years in each district, and during the whole of their currency and for some years previous to their inception, the industry of the agricultural population was depressed, improvements discouraged, and extensions of cultivation thrown back by the uncertainty in regard to the method of valuation, and the degree to which the increased value of the land would be made the subject of increased taxation. It was necessary to employ large temporary establishments of subordinate officials who were probably as burdensome to the people among whom they were quartered as they were costly to the State. The absence of any trustworthy record of the rents which were actually paid to the landlord, and a natural doubt as to whether the letting-value was the true value of the land in these Provinces, had compelled the assessing officers to deduce their calculations from abstract or conjectural data, which were very frequently mistaken in their application to single properties, and sometimes, though not so often, led to erroneous estimates of the revenue-paying capacities of considerable tracts of country. The assessments, though not severe taken generally, were unequal, and while some properties were much too lightly rated, in others the pressure became ruinous when bad seasons supervened.

Sir Alfred Lyall interested himself in "the education of Patwáris and their heirs." Charge of their mental development was by him removed from the charge of supervisor Kanúngos, and the Patwáris (and their heirs or assigns, we suppose) were sent to special schools, to be instructed in surveying, mensuration, arithmetic, &c.—in every thing in fact that they had already got at their fingers ends, by dint of serviceable rule of thumb. No mention is made of attempt to teach them to be honest. Perhaps Sir Alfred has his doubts as to the possibility of inducing

Ethiopians to change their skin "on the basis of a minimum pay of Rs. 7 per mensem," which is the prize offered to Patwáris after a successful school course. To enable the North-West Provinces Patwári to create rights and titles in land at his discretion, Sir Alfred Lyall ordained that a register thereof, to be known as "the Pargana Book" should be kept by him at every tahsil. District officers who happen to pass by a tahsil when on tour, are required to initial these modern Domesday books—so as to give colour to their admission as evidence in rent suits, &c., we presume.

During the period under review although the number of criminal cases brought to trial increased, that development is regarded by Sir Alfred Lyall as almost matter for congratulation, inasmuch as it affords testimony to the progress of sanitary reform, which, it would appear, the people could not be brought to love without being criminally prosecuted for disregard of its ordinances. We are glad to find the services of the unpaid Magistracy handsomely recognized. The assistance rendered by it to the administration is characterized as very considerable, and the quality of the work done is admitted to be generally good. Civil litigation is said not to have materially increased. Relatively to population the number of civil suits instituted in Oudh is much larger than in the North-West Provinces. About one-third of the Oudh suits are for sums less than ten rupees.

An enquiry into the numbers and condition of indigenous schools in the united provinces led to their classification as follows :—

- (1) Sanskrit *pátsálas*.
- (2) Arabic schools where the Kurán is learnt by rote.
- (3) *Maktabs*, for teaching the rudiments of Persian.
- (4) Kaithi schools in which elements of arithmetic are taught for the purposes of the bazar.

All these schools cater for special classes of the population, and owe their existence to the fact that they supply special educational requirements, which cannot be combined with the general form of instruction necessarily adopted in public schools. We quite agree with Sir Alfred Lyall that "to attempt to bring them under the inspection of the officers of the (Educational) Department would affect their essential distinctive character, and might interfere with their support by the classes on whom they depend for pupils. There are nearly 80,000 such pupils, some 28,000 of them Mahomedans. Of the 57 aided primary schools in the Provinces, nearly all are branches of missionary establishments; and the same code which has received the cordial approval of the Board of Education of the American Missionary Society, has already been extended to most of them. In all the extensions that have been given to secondary

education, regard has been had to the principle that Government aid should be restricted to those cases where there was distinct evidence of a local demand and local co-operation. That is well. It is bad policy from every point of view to make education so cheap that the *profanum vulgus* comes to think it not worth having. With regard to technical education Sir Alfred Lyall says that :—

No scheme could be sure of success unless it were founded on practical experience and exact knowledge of the present state and needs of the principal crafts and industries in these Provinces. This information can only be supplied by those who are directly interested in, or who have studied the subject, and steps are being taken to obtain it.

We are glad to find Sir Alfred Lyall writing hopefully of the steady progress of girls' schools in the North-West. The most prominent difficulties in the way of the extension of female education there are, he thinks, the want of qualified native women for employment as teachers, and the want of trained women as Inspectors. The advantage of employing ladies as Inspectors has received illustration at Lucknow, where the female schools under Miss D 'Abreu " are in a very flourishing condition and promise to supply, to some extent, the demand for trained female teachers."

Sir Alfred Lyall is justly proud of the great expansion of the provincial railway system during his term of office. As to that matter we cannot do better than quote what he has to say about it in the Review before us :—

In no branch of its public works have the Provinces made such rapid progress during the last five and-a-half years as in railways ; and it is probable that in no other part of India has the system of railway communication been pushed on so fast or so widely. The Oudh and Rohilkhand Railway Company have opened an extension of their line 135 miles long from Moradabad to Sahāranpur, with a branch to Hardwar, and have just completed their great bridge over the Ganges at Benares ; thus providing a direct alternative route from Calcutta to the Panjab *via* Benares, Lucknow, and Sahāranpur, as well as a most useful provincial traffic route. The Bengal and North-West Railway Company have constructed 284 miles of line in the North-Western Provinces, by which the whole of the very fertile tracts of country lying North-East of the Gogra have been placed in communication with the great markets and ports of India. Including the branch from Jhānsi *via* Banda to Mānikpur on the Great Indian Peninsula Railway, the Indian Midland Railway Company are constructing within these Provinces 400 miles of line, of which the section from Cawnpore to Jhānsi, 140 miles, including the great bridge over the Jumna at Kālpi, was commenced and practically finished by this Government before being handed over to the Company in March 1887. By means of this line, when finished, the districts of Bundelkhand, which are peculiarly liable to suffer from famine, will be opened out and protected ; and these inland Provinces will soon have a third first class line of outlet to Bombay. Railway communication into Jhānsi will, it is expected, be completed before December 1887.

The Rohilkhand and Kumaun Railway Company have opened a line 55 miles long, connecting Bareilly with the hills below Naini Tal,

Simultaneously with the development of the lines under railway companies there has been an extension of the lines constructed from provincial revenues. In addition to the work executed between Cawnpore and Jhānsi the Cawnpore-Achneyra Railway has been completed at a cost of Rs. 60 lakhs by the construction of 100 miles of new line, and a bridge over the Jumna at Muttra; a railway has been constructed connecting Pilibhīt with Bareilly and the railway systems of India, at a cost of 17 lakhs; and 36 lakhs have been spent on the Lucknow-Sitapur-Seramau Railway—a line running from Lucknow northwards, 120 miles long, through the districts and productive forests of the Sitapur Division. It has at present not been found possible, for financial reasons, to construct this line beyond Gola Gokarnath, a place on the borders of the Kheri forests, 22 miles short of the terminal station at Seramau in the Shāh-jāhanpur district. It is clear that the full value of the lines to Pilibhīt and Seramau cannot be obtained so long as they are merely independent branch feeders, and the construction of a connecting link between the two terminals must eventually follow. Complete surveys and estimates have been prepared for the whole length from Pilibhīt to Seramau, but the negotiations which have been entered into for its construction by private agency require the sanction of the Supreme Government.

The total length of all classes of railways under construction in the Province during the past five and-a-half years has been some 1,140 miles, of which 760 miles have been opened for traffic. By the end of the year 1887, an additional 150 miles will be completed, and there will then be 2,200 miles of open line in the North-Western Provinces. On the completion of the Indian Midland system this will be raised to 2,470 miles, a mileage greater than that of any other Province in India; and no village except in the Himālayas and hill tracts south of the Mirzapur district, will be more than 40 miles from a railway station.

Until 1885 Sir Alfred Lyall had an Archæological Department attached to his Government. Under its care the fully matured scheme of operations, planned by Sir John Strachey for the conservation of ancient buildings, was worked out and brought to completion; the Taj, Fatehpur-Sikri, and the Agra Fort being the most noticeable monuments of antiquity dealt with, and the principle of conservation rather than so-called restoration being carefully adhered to throughout the entire work. Its cost from beginning to end Rs. 9,04,000.
